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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 12th July, 2019:—

BILL NO. 105 OF 2019

A Bill to establish an Authority to oversee the payment of financial assistance including ex gratia lump sum honorarium of rupees two crore, provision of medical facilities, education and housing allowance, reservation up to five per cent. in schools and institutions of higher education and five per cent. reservation in jobs in both public and private sector for the dependents of martyrs and implementation of such other welfare measures as are necessary to enable them to lead a dignified life and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Financial Assistance to the Families of Martyrs Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "annual report" means a report giving the details of welfare activities taken up over a year by the Authority and detailing about targets set and achieved;

(b) "Authority" means the Financial Assistance Payment Authority established under section 3;

(c) "dependents" include parents, spouse and children of the personnel of the Indian Armed Forces;

(d) "Indian Armed Force" means the Indian Army, the Indian Navy, the Indian Air Force and the Indian Coast Guard;

(e) "martyr" means a person serving in the Indian Armed Force who dies while performing his duties and includes death on duty in a specified high altitude or the inaccessible border posts on account of natural disaster or extreme weather conditions; and

(f) "prescribed" means prescribed by rules made under this Act.

Constitution
of Financial
Assistance
Payment
Authority.

3. (1) **The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Financial Assistance Payment Authority for the purposes of this Act.**

(2) The Authority shall consist of—

(a) Minister of State, Ministry of Defence— *ex officio* Chairperson; and

(b) Secretaries of the Union Ministries of Defence and Statistics and Programme Implementation — *ex officio* Members;

(3) **The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Authority.**

(4) **The salary, allowances payable to and other terms of conditions of services of officers and staff of the Authority shall be such as may be prescribed.**

Meetings.

4. (1) **The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.**

(2) **The expenditure incurred by the Members to attend meetings shall be borne by their concerned controlling authorities.**

Functions of
the Authority.

5. (1) The Authority shall within one year from the date of constitution, formulate a comprehensive policy for welfare of dependents of martyrs of Indian Armed Forces and discharge such functions as may be necessary for payment of financial assistance to the families of martyrs.

(2) Without prejudice to the provisions contained in sub-section (1), the Authority shall,—

(a) within one year of its constitution, undertake a baseline study to collect comprehensive data about the various grants and allowances given to dependents of martyrs by Government of India, their actual implementation, the benefits accruing to the families and the number of beneficiaries from such grants;

(b) formulate framework and recommend to the Central Government for providing comprehensive compensation to dependents of martyrs which shall include,—

(i) payment of an *ex gratia* lump sum honorarium of rupees two crore, indexed to inflation, to the dependent of martyrs;

(ii) payment of allowances and grants for medical, education and housing to the dependents as per entitlement of the martyr;

(iii) education and marriage loans to the dependents at subsidized rate of interest;

(c) formulate guidelines for guarding the interests of dependents of martyrs against all kind of risks and uncertainties which shall include,—

(i) providing of complete medical insurance cover for all dependents of martyrs;

(ii) providing of life insurance plan in the name of the widow or next dependent of the martyr through the Life Insurance Corporation; and

(iii) provision of psychological counselling to the family members as and when required to ensure their mental well being.

(d) recommend to the Central Government to promote the access to quality education to dependent of martyr which shall include,—

(i) five per cent. reservation of seats for children of martyrs in all educational institutions including schools and institutions of higher education owned by Government; and

(ii) five per cent. reservation in jobs for eligible dependent of martyrs in both public and private sectors

(e) make guidelines to the Central Government for improving the overall well being of the dependents of martyrs which shall include,—

(i) free lifetime railway pass to the dependents of martyrs;

(ii) free annual family vacation within India, with free accommodation in Government guest houses;

(iii) free passes to visit monuments, museums; and

(iv) free pass for the Republic Day parade to the dependents;

(f) recommend to the Central Government to provide the benefits under this Act to the widow of the martyr even on remarriage;

(g) establish policy guidelines for better implementation of the provisions of this Act which shall include,—

(i) directing the District Magistrate concerned to explain to the dependents the various compensations and grants available to them under this Act;

(ii) framing guidelines to help the dependents in completion of relevant paperwork and other formalities;

(iii) making it mandatory for the District Magistrate to enquire at least thrice a year about the overall well being of the dependents; and

(iv) providing dedicated helpline and a call centre for grievance redressal of the dependents; and

(h) recommend to the Central Government to declare birthday of Shri Netaji Subhash Chandra Bose *i.e.* 23rd January each year, as the Martyrs' Day, to commemorate and respect the sacrifice of martyred soldiers;

(i) undertake such other functions as may be assigned to it from time to time for effective implementation of the provisions of this Act.

6. (1) The Authority shall submit to the Central Government once every year, an annual report giving the summary of its activities, including schemes it has undertaken during the previous year and the annual report shall contain statements of annual accounts of the Authority.

Annual report.

(2) The Central Government shall cause the report to be laid before each House of Parliament as soon as it is received.

Central
Government
to provide
Funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act from time to time.

Power to
remove
difficulties.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty.

Power to make
rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament agrees in making any modification in the rule or Parliament agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Indian Armed Forces *i.e.* the Indian Army, the Indian Navy and the Indian Air Force soldiers guard our borders in difficult terrains, challenging work conditions and fight valiantly on our borders to ensure our safety. Armed forces risk their lives and place themselves in dangerous situations to provide safe and secure environment to citizens. When a soldier is martyred protecting the country's borders, it is the supreme sacrifice for the motherland. It is the minimum responsibility of the Government to provide the families (spouse, children and parents) of such martyrs (soldiers who have died during duty, either in combat or a natural death) necessary facilities, to compensate for their loss.

The need is to give one time *ex gratia* lump sum honorarium of rupees two crore to families of martyrs, which will be indexed to inflation. In addition, the family is entitled to get pensionary and other benefits (which the soldier would get if he were alive). All the allowances and grants for medical, education, housing entitled to the soldier will accrue to his family.

To guard the martyr's family against any risks and uncertainties, complete medical insurance coverage for them is also required. And to secure their future, there is also need of life insurance cover in the name of widow. The psychological counseling to widow and other family members of martyrs immediately after death to ensure mental well-being of the family is necessary. Access to quality education to children of martyrs, by providing reservation of up to five per cent. seats in all educational institutions and reservation in jobs in both public and private sector, for eligible dependents of martyrs is also necessary.

Apart from the various benefits, lifetime free railway passes, free annual vacation within India with free accommodation in Government guest houses, free passes to visit monuments and museums and the Republic Day Parade passes to the dependents as a mark of respect to the martyrs should also be provided.

The need is also to direct the District Magistrate to explain to the dependents of martyrs various compensations and grants they can avail, setting up of a dedicated helpline and a grievance redressal cell for them.

Finally, to commemorate and respect the sacrifice of the martyred soldiers, the declaration of the birthday of Shri Netaji Subhash Chandra Bose *i.e.* 23rd January, as Martyrs' Day is of utmost importance.

The Bill endeavours to enable families of martyrs access to basic services of decent medical, educational and other facilities for their overall development. It thus aims to secure their livelihood, provide insurance against uncertainties and enable them to lead a dignified life.

Hence this Bill.

NEW DELHI;
June 5, 2019.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Financial Assistance Payment Authority and also appointment of such number of officers and staffs for its functioning. Clause 7 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about five hundred crore rupees per annum from the Consolidated Fund of India would be involved.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empower the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of normal character.

BILL No. 123 OF 2019

A Bill further to amend the Indian Post Office Act, 1898.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1). This Act may be called the Indian Post Office (Amendment) Act, 2019.Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new Chapter
IIA.

2. After chapter II of the Indian Post Office Act, 1898, the following Chapter and sections thereunder shall be inserted, namely:—

“CHAPTER IIA

COMPREHENSIVE COVERAGE OF POST OFFICES

Constitution
of Post
Offices
Comprehensive
Development
Authority.

6A. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Chapter, an Authority, to be known as the Post Offices Comprehensive Development Authority to ensure comprehensive coverage of post offices in the country.

(2) The Authority shall consist of,—

(a) Minister of State, Union Ministry of Communications—*ex-officio* Chairperson;

(b) Chairman and Managing Director, Bharat Sanchar Nigam Limited (BSNL), Union Ministry of Communications—*ex-officio* Vice-Chairperson;

(c) Secretaries to the Union Ministries of Communications, Electronics and Information Technology, Finance and Statistics and Programme Implementation—*ex-officio* Members; and

(d) Chairperson, State Bank of India—*ex-officio* Member.

(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Authority.

(4) The salary, allowances and terms of conditions of services of officers and staff of the Authority shall be such, as may be prescribed.

Meetings of
the Authority.

6B. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.

(2) The expenditure incurred by the Chairperson, vice-chairperson and the members to attend meetings shall be borne by their parent organisations.

Functions of
the Authority.

6C. (1) The Authority shall discharge such functions as may be necessary to ensure comprehensive coverage of Post Offices in the country and formulate a policy, within one year of its constitutions, to be put in action to achieve this objective.

(2) Without prejudice to the provisions contained in sub-section (1), the Authority shall,—

(a) undertake a baseline study to collect comprehensive data about the current state of post offices in the country and various facilities available there which shall be completed within one year of the constitution of the Authority;

(b) recommend to the Central Government to establish post offices in every village having population of more than one thousand;

(c) recommend to the Central Government to provide all those comprehensive set of facilities in rural area post offices which are available in post offices situated in urban areas;

(d) formulate guidelines to establish post offices as implementing agencies to deliver various services in rural areas;

(e) formulate guidelines to ensure post offices to act as intermediaries promoting connectivity in villages which shall include,—

(i) digital, telecom and internet connectivity in rural areas and complete computerisation of post offices;

(ii) financial inclusion by providing core banking facilities including Automated Teller Machines (ATMs) services in all post offices;

(iii) formulation of policy guidelines to mandate the institution of Post Payment Banks in all post offices which accepts deposits of upto rupees one lakh; and

(iv) enable Post Payment Banks to act as an interface between Government and citizens and serve as a tool to deliver direct benefit transfer services to citizens in rural areas;

(f) recommend to the State Governments to recognise post offices as enrolment centres for citizens to obtain voter card, pan card and other identity cards and household enrolment of in-house drinking water and electricity connections;

(g) frame guidelines for modernising the existing post offices which shall include,—

(i) making all the post offices disable friendly;

(ii) to upgrade the existing post offices and include all facilities prescribed herein;

(iii) setting up grievance redressal cells and call centres for resolving customer related complaints;

(iv) facilitating e-commerce parcel delivery through post offices by proposing e-commerce booking centre at every post office;

(v) establishing passport seva kendras at every post office headquarters at block level; and

(vi) setting up Passenger Reservation Counters (PRS counters) at every post office in rural areas with population of more than one thousand;

(h) frame guidelines to promote use of banking facilities by women in rural areas through post offices which shall include,—

(i) opening of all women post offices at block level; and

(ii) recommending higher interest rate for deposits and fixed deposits done in post offices in the name of women and girl child;

(i) ensure effective functioning of the post offices which shall include,—

(i) mandating long operational hours for post offices;

(ii) prescribing harnessing of solar power through solar panels installed on post office terraces as an alternate source of power in rural areas with connectivity issues;

(iii) directing the postmaster to employ local citizens in cases of shortage of manpower; and

(iv) recommending to the Central Government that extra work force deployed at the post offices may be included in the rural developmental works undertaken under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS); and

(j) such other activities as may be prescribed by the Central Government, from time to time.

6D. (1) The Authority shall prepare once every year a report containing statement of its annual accounts and the summary of its activities and schemes it has undertaken during the previous year.

Annual
report.

(2) A copy of the report shall be forwarded to the Central Government which shall cause the report to be laid before each House of Parliament as soon as it is received.

STATEMENT OF OBJECTS AND REASONS

Making the rural economy self sufficient by equipping it with telecom and internet connectivity, banking and other comprehensive set of facilities compared to the urban areas is required today. With more than 1,54,000 post offices across the country and with 89.9 per cent. of them being concentrated in rural areas, post offices are proposed to be the implementing agencies delivering these services in rural areas.

The Bill formulates that every habitation with population of more than one thousand should have a post office, which would act as an intermediary promoting connectivity in villages. The Bill provides for certain facilities including secure network connectivity (digital and internet) for computerisation of post offices. The Bill also provides for Automated Teller Machines, core banking facilities in all post offices. Every post office is also mandated to have a Post Payment Bank which accepts deposits of up to rupees one lakh and provides direct benefit transfer services to citizens, by acting as an interface between the Government and citizens. The Bill proposed post offices to facilitate enrolment of citizens for voter identity cards, pan cards, other identity cards and household enrolment for in-house drinking water and electricity connections.

The Bill also proposes to make all post offices accessible to differently-abled. The post office premises will also be directed to accommodate grievance redressal cell and a call centre to resolve any customer related complaints. To facilitate delivery of parcels of e-commerce, every post office is proposed to accommodate an e-commerce booking centre. Extending such goods delivery service to rural and backward areas will also generate income.

At the block level, the Bill proposes to establish post office passport seva kendras mandatorily in every block. Such passport Kendras will aid the youth in the rural areas aspiring to study or work abroad. At present, there are only two hundred and eighty post offices across the country with centers to facilitate railway ticket reservation. The Bill formulates provision for compulsory Passenger Reservation Counters at every post office in a rural habitation with more than one thousand population. To promote use of banking facilities by women in rural areas, the Bill provides for all women post offices to be opened at block level with the provision of higher interest rate for deposits and fixed deposits made in post offices in the name of women or girl child.

In terms of functionality, the post offices are directed to be operational for long hours and the solar power through the solar panels installed on their building terraces. Additional work hours are proposed to be adjusted in the one hundred work days quota under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). Thus any additional work done at the post offices is proposed to be considered as developmental works under MGNREGS.

The Bill thus endeavours to enable rural dwellers access to basic services of decent internet and telecom connectivity, and overall development of banking infrastructure in rural areas.

Hence this Bill.

NEW DELHI;
June 6, 2019.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed section 6A provides for the constitution of Post Offices Comprehensive Development Authority to ensure comprehensive coverage of post offices in the country. It also provides for appointment of such number of officers and staff for its functioning. The Bill, therefore, if enacted, will involve recurring expenditure of around five hundred crore rupees per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of around rupees one hundred crore is also likely to be involved.

BILL NO. 102 OF 2019

A Bill further to amend the Companies Act, 2013.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Companies (Amendment) Act, 2019.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section
135.

2. In section 135 of the Companies Act, 2013 (hereinafter referred to as the principle Act),—

18 of 2013.

(a) in sub-section (3),—

(i) after clause (a), the following proviso shall be inserted, namely:—

"Provided that while formulating and recommending Corporate Social Responsibility Policy, the activities mentioned under entries (i), (ii), (ia), (iv) and (v) of the Schedule VII relating to health and education shall be given priority in expenditure to be undertaken by the Company;"

(ii) for clause (b), the following clause shall be substituted, namely:—

"(b) recommend the amount of expenditure to be incurred on the activities referred to in clause (a) on priority basis, with at least sixty per cent. of the Corporate Social Responsibility expenditure by the companies shall be incurred in health and education related activities mentioned under entries (i), (ii), (iia), (iv) and (v) of the Schedule VII;"

(b) in sub-section 4, after clause (a), the following proviso shall be inserted, namely:—

"Provided that the Corporate Social Responsibility Policy of the company shall have provision for priority spending of at least sixty per cent. of its Corporate Social Responsibility expenditure on activities mentioned under entries (i), (ii), (iia), (iv) and (v) of the Schedule VII;"

(c) in sub-section (5), for the second proviso and explanation thereto, the following proviso and explanation thereto shall be substituted, namely:—

"Provided further that the company shall spend at least sixty per cent. of the amount earmarked for Corporate Social Responsibility on activities mentioned under entries (i), (ii), (iia), (iv) and (v) of the Schedule VII including expenditure on health and education in vernacular languages;

Explanation.— For the purposes of this section —

(a) "net profit" shall not include such sums as may be prescribed, and shall be calculated in accordance with the provisions of section 198; and

(b) "expenditure on education in vernacular languages" shall mean investment to promote primary and secondary education in local languages."

3. In Schedule VII of the principal Act,—

(a) after entry (ii), the following entry and explanation thereto shall be inserted, namely:—

"(iia) promotion of primary and secondary education in vernacular languages.

Explanation.—For the purpose of this clause, "vernacular languages" shall mean any local language in which education is imparted to at least fifty students; and".

Amendment
of Schedule
VII.

STATEMENT OF OBJECTS AND REASONS

Article 350A of the Constitution of India, under Special Directives, directs the States and local authorities to provide facilities for instruction of education in the mother-tongue at primary level. It reads as—'It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities'.

Thus Government has the responsibility and the child has the right to have primary education in the local and vernacular languages prevalent in the State, so long as there is sufficient demand for it. This importance of primary education to the child in mother-tongue is recognised by various Education Commissions constituted since 1948. For example, the Conference of Education Ministers of the State (1948) recommended that mother-tongue be adopted as a medium of instruction in schools at primary and secondary levels. Research study by UNESCO on the impact of mother-tongue based instruction on children learning at primary levels, revealed that mother tongue based education particularly benefited children from linguistic minorities, rural areas and girls. In such cases, there were found to be less dropouts and better learning outcomes. As per another research study in 2002, parents are also more likely to participate in the education process of their child and communicate with teachers, when education is provided to children in mother-tongue.

Another research suggests that the ability of the child to learn a second language is not inhibited, when the medium of instruction in the primary school is their mother-tongue. On the contrary, studies establish that literacy in mother-tongue lays down strong linguistic and cognitive foundation for learning a second language.

Despite this importance of health and education, the Corporate Social Responsibility (CSR) earmarked expenditure on health and education out of the total CSR expenditure has not increased much. In 2014-15 just eighteen per cent. of CSR expenditure was spent on healthcare and only twenty-six per cent on education, totalling development sector spending to around forty-four per cent. In the next two financial years, the CSR related expenditure on health and education plateaued off around forty-four per cent — forty-eight per cent.

The Bill, therefore, seeks to amend the Companies Act, 2013 with a view to:—

- (a) recognise the importance of primary and secondary education in the mother tongue;
- (b) provide for spending of at least sixty per cent. amount earmarked for Corporate Social Responsibility (CSR) by companies, on priority basis on health and education in mother-tongue at primary and secondary level; and
- (c) provide for companies to spend on primary and secondary education in local languages, as long as there are at least fifty students demanding it.

The Bill thus champions for the availability of healthcare services, primary education in local languages, rights of linguistic minorities, by mandating individual companies to prioritise their CSR expenditure in them.

Hence this Bill.

NEW DELHI;
June 6, 2019.

SUPRIYA SULE

BILL NO. 97 OF 2019

A Bill to impart skill training to every youth to make them more employable; to provide an alternative path for those pursuing higher education as part of corporate social responsibility and to expand education opportunities for the young and socially disadvantaged section and for matters connected therewith or incidental thereto.

BE it enacted by the Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Youth Skill Training Act, 2019.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

Short title,
extent and
commencement.

Definitions.

(b) "internship and training module" means a position of a student or trainee who works in an organization, in order to gain work experience or satisfy requirements for a qualification;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "youth" means a person who has attained the age of eighteen years but below the age of thirty years.

Appropriate Government to set up skill training unit.

3. (1) The appropriate Government shall, by notification in the Official Gazette, set up a separate unit to provide skill training opportunities as alternatives to higher education, primarily for the economically and/or socially disadvantaged persons.

(2) The Central Government and the State Governments shall contribute for the funding of the unit set up under sub-section (1) in such manner as may be prescribed.

(3) The appropriate Government shall encourage private firms to set up enterprise-based training institutes as a part of Corporate Social Responsibility for Imparting high quality job oriented training to youth and ensures opportunities for employment to youth on completion of training.

(4) The appropriate Government shall provide necessary training options to employers and trainers of Public and Private enterprise to ensure expertise and employability of predefined number of fresh trainees.

Responsibility of skill training units.

4. The Skill Training unit set up under section 3 shall,—

(a) provide facilities for all trainers and employers to ensure skill training of the fresh candidates;

(b) educate trainees and staff in regard to use and uptodate working knowledge of products, services or features of technology;

(c) contribute towards modernizing or upgrading the existing training establishments in order to impart new skills and introduce new conceptual abilities for trainees; and

(d) ensure proper utilization of local materials and skills of the trainee, using the acquired knowledge and polishing the skills efficiently to ensure optimum exposure for growth.

Appropriate Government to ensure job availability to skilled individual.

5. (1) The appropriate Government shall, on the completion of training, ensure job availability to the skilled persons within the firm where such persons have undergone training or internship.

(2) For the purpose of sub-section (1) the appropriate Government shall—

(a) organise job fairs in each State;

(b) introduce internship and training modules in accordance with the policies of private enterprises; and

(c) conduct assessment after regular periods of trainee's employment.

Reservation in favour of fresh trainees.

6. The appropriate Government shall reserve—

(a) twenty per cent. of seats for these trainees in each public and private enterprise whenever there is a vacancy for fresh candidates; and

(b) five per cent. of the jobs under the State for candidates trained by the skill training unit.

Appropriate Government to provide compulsory skill building workshops in higher education.

7. The appropriate Government shall—

(i) make skill building workshops a compulsory part of higher education to impart basic skill training to students and refine their talents;

(ii) provide options for skill development to the students and enable them to learn any one of the particular set of skills out of available options.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force relating to skill development and training, or in any instrument having effect by virtue of any law other than this Act.

Overriding
effect of the
Act.

9. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament agrees in making any modification in the rule or Parliament agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

It is the State's responsibility to ensure that efforts at skill development meet multiple objectives. Skilling the youth will help reduce poverty, provide a second chance for dropouts, and serve as a reservoir to keep youth out of the streets and ensure dignified life and livelihood for the aspiring youngsters that make more than half of India's population. These multiple objectives may be shaped coherently and strategically to fight unemployment, underemployment and other social and economic evils that the youth faces today.

Skill development can no more be looked as an inferior alternative, it's time to motivate the youth and channelize their energies in the right direction by helping them realize and refine their skills and talents in the most efficient and productive ways, nationally and globally. Employability of skilled youth shall be our priority in today's times, the high dropout rate has created a vacuum and is required to be dealt with immediately by providing the youth with quick access to opportunities for skill development.

The State shall uphold its social responsibility by providing skill-training opportunities that are alternatives to higher education, primarily for economically and/or socially disadvantaged, other than only strengthening the industrial skill base. Since there is very little enterprise-based training in the formal sector of the economy and only seventeen per cent. of manufacturing firms in India provide any training for employees, it will be a remarkable step from the State to ensure the participation on both public and private enterprises in ensuring the employability of youth. By having a customized training program and portal under the State, the employers can directly participate in bringing about this much needed social change.

Hence this Bill.

NEW DELHI;
June 6, 2019.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of skill units by the appropriate Government for imparting skill training to youth. Clause 4 provides for training facilities for employers. Clause 5 provides for organising job fairs, modules, and assessment sessions. Clause 6 provides for reservation of jobs in favour of persons who have undergone skill development programme in both public and private enterprises. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 100 OF 2019

A Bill further to amend the Hindu Adoptions and Maintenance Act, 1956.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Hindu Adoptions and Maintenance (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 18.

2. In section 18 of the Hindu Adoptions and Maintenance Act, 1956 after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Notwithstanding anything in sub-section (1), where the husband is unable to provide maintenance to his Hindu wife on account of physical disability, mental disorder, disappearance, renunciation of the world by entering, any religious order, the Hindu wife shall, except where the husband has received his share in the joint family property, be entitled to claim maintenance during her lifetime from the members of the joint Hindu family.

Explanation.— In this section, the expression "mental disorder" means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disabling of mind and include schizophrenia."

STATEMENT OF OBJECTS AND REASONS

Section 18 of the Hindu Adoption and Maintenance Act, 1956 provides for the maintenance of wife by her husband during her life time and section 19 provides for the maintenance of wife by her father-in-law after the death of her husband. Therefore, the wife of a person who is incapacitated does not enjoy such right of maintenance against the relatives of the husband even if the husband is a member of a joint family.

Under the Hindu law, only sons, grandsons and great grandsons and daughters (after the 2005 amendment to the Hindu Succession Act, 1956) have a natural and inherent right in birth interest in the joint family property or the coparcenaries property. Other female members of the family, such as the mother, wife and daughter-in-law do not possess the rights of coparceners with respect to joint family property. For this reason, the right of maintenance of female members has been given supreme importance. In cases, where the husband having a personal obligation to maintain is not able to do, several Courts have upheld the claim of the wife to receive maintenance from her husband's relatives out of her husband's share in the joint family property.

Taking into consideration the above stated factors, the Law Commission of India in its 252nd Report on "Right of the Hindu Wife to maintenance: A relook at section 18 of the Hindu Adoptions and Maintenance Act, 1956" recommended an amendment to the said section 18 to protect the right of a Hindu woman in cases where the husband is not able to maintain her.

Hence this Bill.

NEW DELHI;
June 6, 2019.

RAHUL SHEWALE

BILL NO. 96 OF 2019

A Bill further to amend the Motor Vehicles Act, 1988.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new section for section 184.

2. For section 184 of the Motor Vehicles Act, 1988, the following section shall be substituted, namely:— 59 of 1988.

Driving dangerously.

"184. Whoever drives a motor vehicle at a speed or in a manner which is dangerous to the public or which causes a sense of distress or threat of physical injury to the occupants of the vehicle, other road users and pedestrians, having regard to all the circumstances of the case including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punishable for the first offence with imprisonment for a term which shall not be less than six months but which may extend upto three years or with fine which shall not be less than five thousand rupees but which may extend upto ten thousand rupees, or with both, and for any second or subsequent offence if committed within three years of the commission of a previous similar offence with imprisonment for a term which may extend upto five years, or with fine which may extend upto twenty thousand rupees, or with both."

STATEMENT OF OBJECTS AND REASONS

In the recent times, the number of cases of road accidents in India have increased manifold. The increase in the number of motor vehicles along with dangerous driving of the motor vehicles is the major root cause of increasing road accidents. The existing punishment for dangerous driving as provided under section 184 of the Motor Vehicles Act, 1988 is inadequate and does not act as the deterrent to the offenders thereby causing harm to the general public.

The Bill, therefore, seeks to amend section 184 of the Motor Vehicles Act, 1988 with a view to enhance the punishment for driving dangerously to act as deterrent to the repetitive offenders.

The Bill seeks to achieve the above objectives.

NEW DELHI;
June 6, 2019.

RAHUL SHEWALE

BILL NO. 108 OF 2019

A Bill to establish a procedure for safeguarding the rights of wrongful convicts and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Protection of Rights of Wrongful Convicts Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government, may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Board" means the Board for Wrongful Conviction established under section 5;

(b) "Chairperson" means the Chairperson of the Board designated under section 5;

(c) "claimant" for the purpose of this Act means a person convicted and subsequently imprisoned for a crime that such person had not committed;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "wrongful incarceration or wrongful conviction" means an individual convicted of an offence and who served all or part of the sentence of the offence and was later acquitted for the reasons the individual was innocent or the judgment was reversed and other accusatory evidence was dismissed or prosecution executed without good faith, which concluded in favour of the accused or includes any of the following:—

(i) making or fabricating a false or incorrect record or document for submission; or

(ii) making a false declaration or statement before an officer authorized by law to receive as evidence when legally bound to state the truth that is to say by an oath or by a provision of law; or

(iii) otherwise giving false evidence when legally bound to state the truth that is to say by an oath or by a provision of law; or

(iv) fabricating false evidence for submission; or

(v) suppression or destruction of an evidence to prevent its production; or

(vi) bringing a false charge or instituting or cause to be instituted false proceedings against a person; or

(vii) acting in violation of any law in any other manner not specifically covered above.

3. Every person wrongfully convicted shall have the right to:—

Rights of
Wrongful
convicts.

(a) work and earn livelihood, and being welcomed back in the society absolved from all prior accusations;

(b) claim damages and compensation from the State and restore the dignity of wrongfully incarcerated;

(c) be treated as not having been arrested or convicted of the crime;

(d) equal opportunities of employment and remuneration without discrimination based on any other criteria that may be deemed discriminatory by the court of law;

(e) vocational training opportunities and education;

(f) claim other non-pecuniary relief from the State such as counseling, therapy, medical support, educational services and Government employment; and

(g) file a petition with the Board for an order declaring the person to be actually innocent and eligible to receive an order of compensation.

4. (1) An application seeking compensation for a wrongful conviction may be made:—

Compensation
for wrongful
conviction.

(a) by the accused person who has sustained the injury; or

(b) by any agent duly authorised by the accused person, who has sustained the injury; or

(c) where the accused person dies either before or after the termination of the wrongful prosecution, by all or any of the heirs or the legal representatives of the deceased:

Provided that where all the heirs or the legal representatives of the deceased have not joined in any such application for compensation, the application shall be deemed to have been made on behalf of and for the benefit of all the heirs and the legal representatives of the deceased;

(d) if a person convicted by a final decision for a criminal offence suffers punishment because of that conviction and has been granted judicial relief by the court of competent jurisdiction and the conviction is reversed or he is pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice and no more criminal proceeding is pending or may be brought against the individual;

(e) if person was sentenced to incarceration for a term of imprisonment and as a result of the wrongful conviction has served not less than seven years of prison sentence;

(f) if person imprisoned solely on the basis of the conviction for the offence and that specific conviction has been subsequently reversed and is proven to be factually innocent of the crimes charged or any lesser offence of the crime so charged or any other crime directly related to the charged offence.

(2) Any order to expunge or seal charges so entered by the Board shall provide that in any employment application, the claimant may answer no record as to any charges so expunged or sealed in response to an inquiry regarding prior arrests, court appearances or criminal convictions.

(3) The charges and convictions expunged shall not be used against the claimant to disqualify him in any examination, appointment or application for public employment nor shall such charges and convictions be used against the claimant in any other court proceedings or hearings before any court.

(4) Every application shall be filed, at the option of the applicant, either with the Board or Special Courts having jurisdiction over the area in which the wrongful prosecution occurred or to the Special Court within the local limits of whose jurisdiction the applicant resides, in such form containing such particulars as may be prescribed.

(5) A claimant shall not be compensated for any part of the sentence if he:—

(a) had been served sentence for a concurrent crime; or

(b) by his own conduct cause or bring about his conviction.

Explanation.—For the purpose of this section,—

(a) "injury" means any harm caused to body, mind, reputation or property of any accused harm is an actual or as a probable result of the wrongful prosecution;

(b) "compensation" includes pecuniary or non-pecuniary compensation or both;

(c) "non-pecuniary compensation" includes counseling services, mental health services, vocational or employment skills development and such other services.

5. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established, for the purposes of this Act, a Board to be called the Board for Wrongful Convictions for carrying out the purposes of this Act.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name, sue or be sued.

(3) The Board shall consist of,—

(a) a Chairperson, who has been a Judge of a High Court;

(b) **six other members to be appointed by the Central Government in consultation with the Chairperson having ability, integrity and standing special knowledge and professional experience of not less than ten years of litigation experience in the field of human rights:**

Provided that Chairperson shall be appointed in consultation with the Chief Justice of India.

(4) The Central Government shall appoint such administrative, technical, and other staff to the Board as it may consider necessary for effective implementation of the provisions of this Act.

(5) The salary and allowances payable to the member, officers and staff of the Board shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or members shall be varied to his disadvantage after his appointment.

(6) The Central Government shall at the time of appointing the Chairperson or member, satisfy itself that such person does not and may not have any financial or other interest as is likely to affect prejudicially his functions as such Chairperson or member.

6. The Chairperson or member shall hold office for a term of seven years from the date on which he enters his office and shall be eligible for reappointment for a further term of five years:

Terms of office.

Provided that no person shall hold office after he has attained the age of seventy years.

7. (1) The Central Government may remove from office a Chairperson or Member, who—

Removal and resignation from office.

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is unfit to continue in office by reason of infirmity of mind or body; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) is convicted for an offence which is in the opinion of the Central Government involves moral turpitude; or

(f) has acquired such financial or other interest as is likely to affect prejudicially the functions of his office; or

(g) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or member may—

(a) by notice in writing under his hand and addressed to the concerned authority of the Central Government, resign from his office at any time;

(b) be removed from office in accordance with the provisions of this section.

(3) Any vacancy caused by the resignation or removal of the Chairperson or member shall be filled by fresh appointment.

(4) In the event of a vacancy in the post of the Chairperson, one of the members, as the Central Government may by notification authorize in this behalf, shall act as the Chairperson

till such date on which a new Chairperson, appointed in accordance with the provisions of this Act, enters office.

Factors to be considered for the amount of compensation.

8. The Board shall, while deciding the amount of compensation, take into consideration the following financial and other factors, namely:—

- (a) seriousness of the offence; severity of the punishment; the length of incarceration;
- (b) loss or damage to health;
- (c) loss of income or earnings;
- (d) loss or damage to property;
- (e) legal fees and other consequential expenses resulting from the wrongful prosecution;
- (f) loss of family life;
- (g) loss of opportunities of education, possibilities of livelihood, future earning abilities and skills;
- (h) stigmatization harm to reputation or similar damage;
- (i) psychological and emotional harm caused to accused and his family; and
- (j) such other factors which the Board considers necessary as regards the claim in furtherance of justice.

Functions of the Board.

9. The Board shall,—

- (a) determine applications to grant compensation for claimants, in accordance with the provisions of this Act;
- (b) decide the claim for wrongful conviction made by the claimant to if within a period of two years after judgement of acquittal or discharge given or after pardon granted or after release from imprisonment;
- (c) on receipt of an application for compensation made under sub-section (1) of section 4, the Board shall, after giving notice of the application to the Central Government or as the case may be to the concerned State Government, and after giving an opportunity of being heard to all the parties, hold an inquiry into the claim or, as the case may be, into each of the claims and, may make an award determining the just and reasonable compensation, specifying the person or persons to whom it shall be paid, and shall also specify the amount which shall be paid by the Central or the State Government concerned, as the case may be, and may also recommend to the Central or the State Government concerned to proceed against the erring official in accordance with law;
- (d) arrange to deliver copies of the award to the parties concerned, free of cost, within fifteen days from the date of the award;
- (e) fairly and reasonably compensate the claimants on case to case basis ascertaining the loss of income, opportunity, amount spent on legal fees, extent of false accusations and stigma caused;
- (f) upon presentation of the claim, respond within sixty days and fix a time and hearing for the claim;
- (g) after due investigation calculate the compensation for the claimant within thirty days of presentation of the claim or use reasonable diligence in fixing the date for the hearing at the earliest which is convenient for both the parties and the Board;

(h) in case it allows a claim for compensation made under this Act, may direct that in addition to the amount of compensation interest thereon shall also be paid at the rate of six per cent. per annum and from such date not earlier than the date of making the claim as it may specify in the award;

(i) deny a request for compensation if the claimant does not prove the fact that he had not, by any act or omission on his part, intentionally contribute to the bringing about of his arrest or conviction for the crime with which he was charged;

(j) in the interests of doing substantial justice, exercise its lawful discretion regarding the weight and admissibility of evidence, by giving due consideration to any difficulties of proof caused by the passage of time, the death or unavailability of witnesses or other factors not caused by the claimant; and

(k) undertake such other functions as may be assigned to it, from time to time.

10. (1) The Board shall award the expungement order regardless of whether the claimant has prior criminal convictions on being issued the certificate of innocence under sub-section (2), the claimant shall be treated as not having been arrested or convicted of the crime.

Order of
expungement.

(2) The Board shall issue a certificate of innocence to the claimant while awarding an expungement order containing:—

(a) claimant's full name at the time of arrest and conviction, if different than the claimant's current name, his claimant's sex, race and date of birth;

(b) crime for which the claimant was arrested and convicted;

(c) date of the claimant's arrest and date of the claimant's conviction; and

(d) identity of the convicting court.

(3) The Board may deny a claim if it finds by a preponderance of the evidence that a claimant plead guilty with the specific intent to protect another from prosecution for the underlying conviction for which the claimant is seeking compensation.

(4) The Board may, for the purposes of award of expungement order, consult agencies, non-Governmental organizations or experts for the purposes of this Act.

11. The Board shall undertake such measures and give such directions or pass such orders as are necessary for the purpose of discharging its functions under this Act.

Power to
issue
directions.

12. The Chairperson, members and other staff of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Chairperson,
member and
staff to be a
public
servant.

13. (1) For holding an inquiry by the Board, the Special Court established under sub-section (4) of section 5, may, subject to any rules that may be made in this behalf, follow such summary procedures as it thinks fit.

Power of
special court.

(2) The Special Court, while adjudicating a claim under this Act, shall have the same powers as are vested in a civil court under Code of Civil Procedure, 1908.

5 of 1908.

14. The Central Government, shall after due appropriation made by Parliament, by law in this behalf, pay to the Board, by way of grants, such sums of money as the Central Government may deem fit for carrying out the purposes of this Act.

Central
Government
to provide
funds.

15. The Board may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants.

Expenditure
by the Board.

Maintenance
of Accounts.

16. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(2) The Accounts of the Board shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General or any person appointed by him in connection with the audit of the accounts of the Board under this Act, shall have the same rights, privileges and authority in connection with such audit, as the Comptroller and Auditor-General generally has in connection with the audit of Central Government accounts provided further that the Comptroller and Auditor-General shall, in particular, have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Appellate Board.

(4) The accounts of the Board, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government.

(5) The Central Government shall cause the audit report forwarded under sub-section (4) to be laid before each House of Parliament as soon as may be after it is received.

Annual
Report.

17. (1) The Board shall prepare, once in every year, in such form and at such time as may be prescribed, an annual report giving a full account of its activities during the previous year, copies of which shall be forwarded to the Central Government.

(2) A copy of the report received shall be laid, as soon as may be after it is received, before each House of Parliament.

Power to
remove
difficulty.

18. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act .

Act to have
overriding
effect.

19. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

20. (1) The Central Government may, by notification published in the Official Gazette make rules to carry out the provisions of this Chapter;

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule or regulation.

STATEMENT OF OBJECTS AND REASONS

The State's responsibility for wrongful convictions and victims acquitted after years of being incarcerated has not yet been crystallized. There are thousands of persons who spend years sentenced for crimes they were unjustifiably held guilty for and even after being released; it remains a challenge for them to be accepted in the society they are ostracized from. Article 14(6) of the ICCPR read with the General Comment 32 of the United Nations Human Rights Committee dealing with miscarriage of justice, requires that the victims of proven cases of such miscarriage to be compensated "according to law". These provisions collectively create an obligation on the State parties to enact a legislation ensuring that the said victims are compensated, and such compensation is made within a "reasonable period of time". State has to assume statutory responsibility for such miscarriage of justice. India has ratified to the ICCPR in 1968, however a legislation laying down the law for compensation of the victims remains long overdue. Miscarriage of justice is a grave violation of the right to life and personal liberty. There have been landmark cases in the past namely *Rudal Shah vs State of Bihar* and *Nilabati vs State of Orissa*, where the Supreme Court has recognized the remedy of recovering appropriate damages from the State as one of the telling ways in which the violation of fundamental rights can be prevented.

Article 21 protects life and personal liberty and by virtue of judicial pronouncements, deprivation of the life and personal liberty invokes the aforesaid public law remedy of compensation, but there is no explicit provision in the Constitution of India for the grant of compensation by the State for the infringement of right to life and personal liberty.

However the amount and payment of compensation remains rather arbitrary and lacks transparency. The need is to determine the amount of compensation while also making the right to compensation for such victim or claimant a statutory right. The endemic and sensitive nature of the issue and the glaring inadequacies of the available remedies, there is a pressing need for an explicit law for compensating the victims who have suffered miscarriage of justice—laying down State's statutory obligation to recompense these victims of wrongful prosecution, and a dedicated judicial mechanism to give effect to the same.

The Bill, therefore, seeks to establish a Board for adjudicating upon the claims of compensation for wrongful prosecution and lays down procedures to establish both pecuniary and non-pecuniary compensation ascertaining the loss of income, opportunity, amount spent on legal fees and stigma caused because of the proceedings to be awarded to the claimant along with a compensation interest of six percent. It also gives the victim an order of expungement and awards him with a certificate of innocence which will further absolve him from any prior criminal record. It further ascertains the right of the exoneree to be treated as not having been arrested or convicted while ensuring equal opportunities of employment and remuneration without being discriminated.

Hence this Bill.

NEW DELHI;
June 6, 2019.

KIRIT PREMJBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of Special Courts for the inquiry of the wrongful convictions. Clause 5 provides for the establishment of a Board for wrongful convictions for carrying out the purposes of this Act. Clause 14 provides for the Central Government to provide adequate Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore per annum will be involved out of the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

BILL NO. 121 OF 2019

*A Bill to amend the Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In section 2 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the principal Act), in clause (c), for the words "primarily reside in", the words "primarily reside in or in the close proximity of forests" shall be substituted.

2 of 2007.

Amendment
of section 3.

3. In section 3 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

"(2A) The Central Government shall ensure—

(i) provisions of developmental requirements such as food, fibre, education, health and communication for the forest dwelling Scheduled Tribes; and

(ii) that the land requirements from the forest land for developmental facilities in forests or in the proximity of forests are provided to the forest dwelling Scheduled Tribes.

(2B) Notwithstanding any custom or usage, the Central Government shall ensure that the female members of the Scheduled Tribes are vested with equal rights and special provisions are made for female-headed households and widows."

Amendment
of section 4.

4. In section 4 of the principal Act, for sub-section (5), the following sub-sections shall be substituted, namely:—

"(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe shall be evicted or removed from forest land under his occupation until:—

(a) the recognition and verification procedure is completed;

(b) a resettlement or alternatives package, which provides a secure livelihood to the affected individuals or communities and fulfils the requirements of affected individuals or communities under the National Rehabilitation and Resettlement Policy, has been prepared and communicated;

(c) the free informed consent of the Gram Sabhas of the area concerned and of the affected individuals to the resettlement and the package provided has been obtained in writing; and

(d) facilities and land allocation at the resettlement location are complete as per the promised package.

(5A) Notwithstanding anything in sub-section (5), the affected individuals or the community shall have right to their original habitation if they are not satisfied with the rehabilitation."

Amendment
of section 6.

5. In section 6 of the principal Act, after sub-section (8), the following proviso shall be inserted, namely:—

"Provided that the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall also have members from the forest dwelling Scheduled Tribes which shall not be less than one-half of the total members of such committees and there shall be provision to include adequate number of elected representatives and persons of disadvantaged communities as members of those committees."

STATEMENT OF OBJECTS AND REASONS

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is an extremely important piece of legislation that gives due recognition to the customary and traditional forest rights of tribal communities.

The need is to strengthen the protective measures introduced by the Act to recognize and uphold the traditional and customary forest rights of Scheduled Tribes in India. The Bill seeks to ensure an explicit commitment towards the rehabilitation and compensation of Scheduled Tribes and make the processes and systems more robust. The Bill also requires the Central Government to ensure that all the developmental requirements of Scheduled Tribes are met out.

The amendment of the definition of "forest dwelling Scheduled Tribes" to include those who reside not just in but also in close proximity to forests is also necessary. Also, the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee are required to have at least one-half of their total members from the forest dwelling Scheduled Tribes.

Hence, this Bill.

NEW DELHI;
June 6, 2019.

KIRIT PREMJI BHAI SOLANKI

BILL NO. 125 OF 2019

A Bill to amend the Compensatory Afforestation Fund Act, 2016.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Compensatory Afforestation Fund (Amendment) Act, 2019.

(2). It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After section 6 of the Compensatory Afforestation Fund Act, 2016 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of new section 6A.

"6A. The National Authority or the State Authority, as the case may be, before authorising any expenditure from the National Fund or the State Fund, as the case may be shall ensure that—

National and State Authority to utilise the monies from National Fund or State Fund on certain conditions.

(a) the free informed consent of the Gram Sabhas of all villages within whose customary, traditional or revenue boundaries the proposed activity or project to be executed, or the consent of members of Gram Sabha who exercise any forest right under any law for the time being in force, within the area proposed for the project has been obtained in writing; and

(b) The rights recognised or conferred under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, have not been violated.

Explanation.—For the purposes of this section, the terms "Gram Sabha" and "Village" shall have the same meaning as assigned to them in clauses (g) and (p) of section 2, respectively of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

2 of 2007.

3. In section 14 of the principal Act, in sub-section (I), after clause (vii), the following clause shall be added at the end, namely:—

Amendment of section 14.

"(viii) formulate policy proposals to encourage community led afforestation."

4. In section 17 of the principal Act, in sub-section (I), after clause (ii), the following clause shall be added at the end, namely:—

Amendment of section 17.

"(iii) formulate policy proposals to encourage community led afforestation."

5. In section 19 of the principal Act, in sub-section (I), after clause (xi), the following clause shall be added at the end, namely:—

Amendment of section 19.

"(xia) ensure that there is no violation of any right recognised and vested under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and that the informed consent of the relevant Gram Sabha has been taken before fulfilling the tasks of compensatory afforestation, catchment area treatment plan and/or any other site specific scheme."

STATEMENT OF OBJECTS AND REASONS

The Compensatory Afforestation Fund Act, 2016 was enacted to provide for the establishment of funds for undertaking compensatory afforestation, artificial regeneration and protection of forests.

While this Act is undeniably an important one, since its implementation, it has been found that the provisions of this Act are not in consonance with the rights conferred under the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006. It also seeks to ensure that the prior informed consent of Gram Sabha or village is obtained before utilising money by the Authorities from the funds for compensatory afforestation.

The need is to correct this anomaly and ensure that the traditional rights of the Adivasis and forest dwellers are protected and that the Gram Sabhas concerned are consulted by the Forest Department before undertaking any activity related to Compensatory Afforestation. The Bill, therefore, seeks to amend the Compensatory Afforestation Fund Act, 2016 with a view to ensure that rights recognised under the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 are protected.

Hence, this Bill.

NEW DELHI;
June 6, 2019.

KIRIT PREMJI BHAI SOLANKI

BILL NO. 72 OF 2019

A Bill further to amend the Wild Life (Protection) Act, 1972.

BE it enacted by Parliament in the Seventieth year of the Republic of India as follows:—

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

53 of 1972.

2. After Chapter IVC of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), the following Chapter shall be inserted, namely:—

Insertion of
the new
Chapter IVD.

"CHAPTER IVD

LION CONSERVATION AUTHORITY

38ZA. In this Act, unless the context otherwise requires,—

(a) "Lion Conservation Authority" means the Lion Conservation Authority constituted under section 38ZB;

Definitions.

(b) "Lion Conservation Fund" means the Fund established under sub-section (2) of section 38ZG;

(c) "sanctuary" means the sanctuaries situated in the State Governments including Gir.

Constitution
of the Lion
Conservation
Authority.

38ZB. (1) The Central Government shall constitute an Authority to be known as the Lion Conservation Authority, to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Lion Conservation Authority shall consist of the following members, namely:—

(a) the Minister-in-Charge of the Ministry of Environment, Forests and Climate Change—Chairperson;

(b) the Minister of State in the Ministry of Environment, Forests and Climate Change and—Vice-Chairperson;

(c) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(d) the Minister in-Charge of Wild Life from the State of Gujarat;

(e) five experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in and around the Gir Sanctuary;

(f) Secretary, Ministry of Environment, Forests and Climate Change;

(g) Director General of Forests and Special Secretary, Minister of Environment, Forests and Climate Change;

(h) Director, Wild Life Preservation Ministry of Environment, Forests and Climate Change;

(i) Chief Wild Life Warden from the State of Gujarat;

(j) Additional Chief Secretary, Department of Forests and Environment, State of Gujarat;

(k) Conservator of Forests, Gujarat Lion Conservator Society.

(3) It is hereby declared that the office of member of the Lion Conservation Authority shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Terms of
office and
conditions of
the service of
members.

38ZC. (1) A member nominated under clause (e) of sub-section (2) of section 38ZB shall hold office for such period not exceeding three years:

Provided that a member may, by writing under his hand addressed to the Central Government, resign from his office.

(2) The Central Government shall remove a member referred to in clause (e) of sub-section (2) of section 38ZB, from office if he—

(a) is, or at any time has been, adjudicated as insolvent;

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(c) is of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is, without obtaining leave of absence from the Lion Conservation Authority, absent from three consecutive meetings of the said Authority; or

(f) has in the opinion of the Central Government so abused his position as to render his continuation in office detrimental to the public interest:

Provided that no member shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard in the matter.

(3) Any vacancy in the office of a member shall be filled by fresh appointment and such member shall continue for the remainder of the term of the member in whose place he or she is appointed.

(4) The salaries and allowances and other conditions of appointment of the members of the Lion Conservation Authority shall be such as may be prescribed.

(5) No act or proceeding of the Lion Conservation Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Lion Conservation Authority.

38ZD. (1) The Lion Conservation Authority may, with the previous sanction of the Central Government, appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

Officers and employees of the Lion Conservation Authority.

(2) The salary and allowances payable to and other terms and conditions of service of officers and other employees of the Lion Conservation Authority shall be such as may be prescribed.

38ZE. (1) The Lion Conservation Authority shall have the following powers and perform the following functions, namely:—

Powers and functions of the Lion Conservation Authority.

(a) to approve the Lion Conservation Plan prepared by the State Government under section 38ZK;

(b) to evaluate and assess various aspects of sustainable ecology and disallow ecologically unsustainable land use such as mining, industry and other projects within the sanctuary;

(c) to lay down normative standards for eco-tourism activities and guidelines for lion conservation;

(d) to provide measures for addressing conflicts of men and wild animals and to emphasis on co-existence in the sanctuary;

(e) to provide information on protection measures including future conservation plan, estimation of population of lion and its natural prey species, status of habitat, disease surveillance, mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;

(f) to identify exclusive lion corridors and zones for the facilitation of movement of lions, on the basis of consultation with the State Government concerned;

(g) to approve, co-ordinate research and monitoring on lion, co-predators, prey, habitat, related ecological and socio-economic parameters and their evaluation;

(h) to facilitate and support biodiversity conservation initiatives through eco-development and the participation of the local communities living in and around the sanctuary in eco-tourism and conservation related activities;

(i) to ensure critical support including scientific, information technology and legal support for better implementation of the lion conservation plan;

(j) to facilitate ongoing capacity building programme for skill development of officers and staff of sanctuary; and

(k) to perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of lions and their habitat.

(2) The Lion Conservation Authority may, in the exercise of its powers and performance of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection of the lion or sanctuary and such person, officer or authority shall be bound to comply with the directions:

Provided that no such direction shall interfere with or affect the rights of local communities living in and around the sanctuary.

Meetings of
the Lion
Conservation
Authority.

38ZF. (1) The Lion Conservation Authority shall meet at least once in every six months at such time and at such place as the Chairperson may think fit.

(2) The Chairperson or in his absence the Vice Chairperson shall preside over the meetings of the Lion Conservation Authority.

(3) All orders and decisions of the Lion Conservation Authority shall be authenticated by the Member-Secretary or any other officer of the said Authority duly authorized by the Member-Secretary in this behalf.

Central
Government
to provide
grants to the
Lion
Conservation
Authority and
Constitute
Lion
Conservation
Authority
Fund.

38ZG. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Lion Conservation Authority grants and loans of such sums of money as the Government may consider necessary.

(2) There shall be constituted a Fund to be called the Lion Conservation Fund and there shall be credited thereto—

(i) any grants and loans made to the Lion Conservation Authority by the Central Government;

(ii) all fees and charges received by the Lion Conservation Authority under this Act; and

(iii) all sums received by the said Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be utilised for meeting salary, allowances and other remuneration of the members, officers, and other employees of the Lion Conservation Authority and the expenses of the Lion Conservation Authority incurred in the discharge of its functions under this Chapter.

Maintenance
of accounts
and audit of
the Lion
Conservation
Authority.

38ZH. (1) The Lion Conservation Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Lion Conservation Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Lion Conservation Authority to the Comptroller and Auditor-General of India.

Annual report
of the Lion
Conservation
Authority.

38ZI. The Lion Conservation Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual and
Audit Report
to be laid
before
Parliament.

38ZJ. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

Lion
Conservation
Plan.

38ZK. (1) The State Government shall prepare a Lion Conservation Plan including staff development and deployment plan for the proper management of the sanctuary, so as to ensure—

(a) protection of the sanctuary and providing specific habitat inputs for a viable population of lions, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;

(b) initiatives and activities to encourage participation of local communities in the conservation process and eco-tourism.

(2) Subject to the provisions contained in this Act, the State Government shall, while preparing a Lion Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in and around the sanctuary.

(3) Save as for voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements laid down in this sub-section, no forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for lion conservation unless—

(i) the process of recognition and determination of rights and acquisition of land or forest rights of the forest dwelling persons is complete;

(ii) the concerned agencies of the State Government, in exercise of their powers under this Act, establish with the consent of the forest dwellers in the area, and in consultation with independent ecological and social scientists familiar with the area, that the activities of the forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of lions and their habitat;

(iii) the State Government, after obtaining the consent of the forest dwellers inhabiting the area, and in consultation with independent ecological and social scientists familiar with the area, have come to a conclusion that other reasonable options of co-existence, are not available;

(iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfills the requirements given in the National Relief and Rehabilitation Policy;

(v) the informed consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme has been obtained; and

(vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with."

3. In section 55 of the principal act, after clause (ac), the following clause shall be inserted, namely:—

Amendment
of section 55.

"(ad) Member-Secretary, Lion Conservation Authority;"

4. In section 59 of the principal Act, after the word, figures and letter "Chapter IVC", the word, figures and letter "Chapter IVD" shall be inserted.

Amendment
of section 59.

5. In section 60 of the principal Act, in sub-section (3), after the word, figures and letter "Chapter IVC", the word, figures and letter "Chapter IVD" shall be inserted.

Amendment
of section 60.

6. In section 63 of the principal Act, in sub-section (1), after clause (gvi), the following clauses shall be inserted, namely:—

Amendment
of section 63.

"(gvii) qualification and experience of experts or professionals under clause (e) of sub-section (2) of section 38ZB;

(gviii) the salaries and allowances and other conditions of appointment of the members under sub-section (4) of section 38ZC;

(gix) the form in which the annual statement of accounts of Lion Conservation Authority shall be prepared under sub-section (1) of section 38ZH;

(gx) the form in which and the time at which the annual report of Lion Conservation Authority shall be prepared under section 38ZI."

STATEMENT OF OBJECTS AND REASONS

The State of Gujarat is home to some of the last living Asiatic Lions. While their numbers have been steadily increasing, the species are still considered to be 'endangered'. A sustainable solution to ensure the protection of lions can only emerge from within an inclusive and comprehensive framework, which must be the result of a consensus formed at the national level.

The increasing population of the Asiatic Lion has led to a unique problem of habitat and crowding. By pushing the boundaries of the areas inhabited by lions from the forests to nearby local villages and towns, the chances of man-animal conflict increase. As a result, exclusive lion zones and corridors need to be established to ensure the existence of adequate habitat.

The foundation of any conservation strategy is the pattern of ownership that it advocates. A strong emphasis on community control should be considered. The local communities living around the Gir Sanctuary as well as the forest officials have played an undeniable role in the conservation of the Asiatic Lion. Thus, community control and the participation of local populations in the conservation process should be institutionalized and encouraged.

Furthermore, a 'Project Lion', along the lines of the 'Project Tiger' should be considered in order to facilitate adequate funding and awareness. This can be supplemented with an encouragement of eco-tourism. Addressing these issues can help create the framework necessary for the sustainable and long-term conservation of the Asiatic Lion.

The Bill, therefore, seeks to amend the Wildlife (Protection) Act, 1972 with a view to provide for—

- (i) constitution of the Lion Conservation Authority;
- (ii) conferreing powers and functions of the Lion Conservation Authority, so as to include—
 - (a) approval of Lion Conservation Plan prepared by State Governments;
 - (b) lay down normative standards, guidelines for tiger conservation in the buffer and core areas of Lion reserve, apart from ensuring their due compliance;
 - (c) providing information on protection measures including future conservation plan, lion estimation, disease surveillance, mortality survey, patrolling, reports on untowards happenings and such other management aspects as it may deem fit, including future plan for conservation;
 - (d) approve and co-ordinate research on lion, its habitat and related ecological and socio-economic parameters;
 - (e) facilitate and support bio-diversity conservation through eco-development and people's participation as per approved management plans, and to support similar initiatives in adjoining areas;
- (iii) preparing the Annual Report of the Lion Conservation Authority and sub-mission of the audited report to the Central Government for laying before Parliament.
- (iv) preparation of the Lion Conservation Plans by State Governments including staff development and deployment, protection, habitat inputs, addressing the livelihood concerns of local people and compatibility of forestry operations in the adjoining Forest Divisions; and
- (v) ensuring the agricultural, livelihood, developmental and other interests of people living inside forests or in Lion bearing forest areas.

Hence this Bill.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for the constitution of the Lion Conservation Authority. It also provides for appointment of the officers and other employees to the Authority. It also provides that Central Government shall provide grants and loans to the Authority for being utilised for the purposes of the Bill. It further provides for constitution of the Lion Conservation Authority Fund in which all grants, loans made by the Central Government, fees and charges etc. received by the Authority shall be credited. The expenditure relating to States shall be borne by the Consolidated Fund of the State Government concerned. The Bill, therefore, if enacted, will involve recurring expenditure of rupees two hundred crore per annum which shall be charged from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill provides for the constitution of the Lion Conservation Authority to which the Central Government may prescribe by rules—

- (i) the salaries, allowances and other conditions of appointment of members of the Authority;
- (ii) the terms and conditions of service of officers and other employees of the Authority;
- (iii) the form in which the annual statement of accounts of the Authority is to be prepared; and
- (iv) the form and time for submitting annual reports of the Authority to the Central Government.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 107 OF 2019

A Bill to provide for establishment of a National Agricultural Policy Commission to formulate policies on improvement and development of agriculture in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the National Agricultural Policy Commission Act, 2019.
- (2) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agriculture" includes horticulture, animal husbandry, forestry, dairy and poultry farming, pisciculture, and other allied activities, whether or not undertaken jointly with agriculture;

(b) "agricultural produce" includes paddy, wheat, coarse, cereals, pulses, vegetables, fruits and flowers and such other agricultural produce as may be notified by the Central Government, from time to time;

(c) "Commission" means the National Agriculture Policy Commission constituted under section 3;

(d) "farmer" means any person who cultivates land or causes it to be cultivated for agricultural or horticultural purposes;

(e) "Fund" means the Agriculture Development Fund constituted under section 6; and

(f) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Commission to be known as the National Agriculture Policy Commission for carrying out the purposes of this Act.

Establishment
of National
Agriculture
Policy
Commission.

(2) The Commission shall consist of—

(a) a Chairperson, having special knowledge in the field of agriculture; and

(b) four members including agricultural producers and experts in matters related to the agriculture and agricultural research,

to be appointed by the Central Government in such manner as may be prescribed.

(3) The Central Government shall provide such number of experts, officers and staff to Commission, as may be required for its efficient functioning.

(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson, members, experts and officers and staff of the Commission shall be such as may be prescribed.

4. It shall be the responsibility of every State Government to furnish the following information to the Commission:—

Responsibility
of the State
Government
to furnish
information to
the
Commission.

(a) total area under agriculture under its jurisdiction;

(b) total production in agriculture;

(c) annual demand of agricultural products;

(d) potential for increase in export of agricultural products; and

(e) potential for establishment of industries based on agriculture.

5. (1) The Commission shall, on receipt of information from the State Governments under section 4, formulate such policies, as it may deem appropriate, for the development of agriculture in the country.

Functions of
the
Commission.

(2) Without prejudice to the generality of the foregoing provision, the policies shall include:—

(a) appointment of experts to study the situation of agriculture, from time to time;

(b) formulating measures to improve production and quality of agricultural produce by reducing the cost of agricultural inputs;

(c) taking steps related to storage and marketing of agricultural produce;

(d) undertaking study of capacity and weaknesses of farmers in agriculture;

(e) analysing the reasons for reduction in income from agriculture and suggestions for increasing the income of farmers;

(f) framing scheme to increase productivity, profitability and stability of agricultural systems in States;

(g) suggestions to maximise the agricultural production with the use of available surface water and minimum use of underground water;

(h) measures for prevention of crop damage due to climate change, maintain environmental balance and increase the soil fertility;

(i) formulation of short-term and long-term policies for agricultural produce;

(j) providing funds to States for establishment of industries based on agricultural products and development of agriculture; and

(k) formulate such other policies, from time to time, as it may deem appropriate for carrying out the purposes of this Act.

Constitution
of the
Agriculture
Development
Fund.

6. The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Agriculture Development Fund for carrying out the purposes of this Act.

Central
Government
to provide
requisite funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide necessary requisite Funds, from time to time, for carrying out the purposes of this Act.

Act to have
overriding
effect.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

Farmers and agriculture can survive only when farmers are given due priority and respect. Former Prime Minister Late Shri Lal Bahadur Shastri had given a slogan 'Jai Jawan Jai Kisan' to safeguard the interests of farmers and encourage sustainable practice of agriculture. However, the incidence of suicide by farmers and agricultural crisis are not less than any national disaster. Intensive agriculture based on high external grants has seriously affected our soil, water, biodiversity and climate. Therefore, concrete steps should be taken to make the livelihood of farmers stable, respectable and self-reliant.

After seventy years of independence there is a need for constituting a National Agriculture Policy Commission for the welfare of farmers to ensure income of farmers and minimize risks related to productivity so that farmers are not forced to leave farming. Resources like land, water, jungle, seed and knowledge are required to be protected. There is a need to review the agricultural policy based on increased consumption of water supply, energy and chemicals to reduce the cost of agriculture. Infrastructure development be encouraged at village level for storage, processing, marketing of agricultural produce through cooperative institutions so that farmers can prosper.

The Bill, therefore, seeks to establish a National Agriculture Policy Commission for improvement and development of agriculture and also to increase the productivity and quality of agricultural produce in the country.

The Bill seeks to achieve the above objectives.

NEW DELHI;
June 6, 2019

NIHAL CHAND

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a National Agriculture Policy Commission. It also provides that the Central Government shall make available necessary experts, officers and staff for the efficient functioning of the Commission. Clause 6 provides for the constitution of an Agriculture Development Fund. Clause 7 provides that the Central Government shall provide requisite funds to the Commission for carrying out the provisions of this Act. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees six hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 119 OF 2019

A Bill to provide for constitution of National Sports Development Commission for the overall development of sports, improving the quality of basic sports facilities in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Sports Development Commission Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Commission" means the National Sports Development Commission constituted under section 3;

(b) "Fund" means the Sports Development Fund Constituted under section 6;

(c) "sports" means all types of sports played at National and International level; and

(d) "prescribed" means prescribed by rules made under this Act.

Constitution of
National Sports
Development
Commission.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Commission to be known as the National Sports Development Commission for carrying out the provisions of this Act.

(2) The National Sports Development Commission shall consist of:—

(a) a Chairperson;

(b) five members;

(c) such number of experts associated with the field of sports as may be necessary for development of all sports; and

(d) ex- sports persons having recognition as advisors and who have represented the country,

to be appointed by Central Government in such manner as may be prescribed.

(3) The Central Government shall provide such number of officers and staff as may be required along with technical Experts to the Commission for the effective management and functioning of the Commission.

(4) The salary and allowances payable and other terms and conditions of appointment of the Chairperson, members, experts, advisors and officers and staff of the Commission shall be such as may be prescribed.

Obligation of
State Govern-
ments to send
information
about sports
and players
to the
Commission.

4. Every State Government shall send detailed information to the Commission with regard to the following:—

(a) total number of National and International level players participated in sports events in the State;

(b) participation of the State in different sports at National and International level and corresponding results;

(c) level of basic facilities related with sports in the State;

(d) exploring the potential of fresh talents in rural areas; and

(e) making list of popular sports competitions and their results at State level.

Suggestions to
the State
Governments.

5. (1) The Commission shall, after obtaining information from all the States regarding different sports and players in the State, from time to time shall, make the following suggestions to the State Governments:—

(a) expansion of the scope of the sports and achieving excellence at National and International level;

(b) development of structural frame work currently working and improving its quality;

(c) providing assistance to the National Sports Federations and other Institution associated with sports;

(d) strengthening the sports by imparting training in sports;

(e) encouraging the players associated with sports at all levels;

(f) encouraging the participation of women, backward tribals and budding youth at rural level; and

(g) encouraging the interest of people towards all types of National Sports.

(2) The Central Government shall, for the purposes of sub-section (1), appoint a group of experts to analyse and study the assistance and resources being provided by it to the Commission.

6. The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as Sports Development Fund for implementing the provisions of this Act.

Constitution of Sports Development Fund.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In a vast country like India, there is no dearth of talent but despite having so many talented persons, we have not been able to establish as a sports power at the international level. Except one or two sports, we are unable to perform according to our talent. There has been some improvement today in the field of football and olympic events as compared to previous years, but still there is scope of improvement in this regard.

The need is to establish a National Sports Development Commission to give due attention to the issues related with all round development of sports in the country and especially the talents in rural areas and women players. A framework is required to be prepared in order to improve the performance of India in the competitions organised at International level. Till now, only some selected categories of sports have got special attention in the country due to which hidden talents in various fields of sport has found it difficult to make much headway. All categories of sports require equal attention in addition to strengthening of basic infrastructure of sports in the country.

The Bill, therefore, seeks to establish a National Sports Development Commission for the overall development of sports, improving the quality of basic sports facilities in the country and to make India as a sports power.

The Bill seeks to achieve the above objectives.

NEW DELHI;
June 6, 2019.

NIHAL CHAND CHAUHAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a National Sports Development Commission for improving the quality of basic sports facilities and development of sports in the country. It also provides for appointment of Chairperson, members, experts and advisors and officers and staff to the Commission. Clause 5 provides for appointment of group of experts. Clause 6 provides for the constitution of a Sports Development Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about Rupees five hundred crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about Rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 106 OF 2019

A Bill to provide for constitution of National Malnutrition Policy Commission and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the National Malnutrition Policy Commission Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Commission" means the National Malnutrition Policy Commission constituted under section 3;

(b) "Fund" means the malnutrition Fund constituted under section 7;

(c) "malnutrition area" includes malnutrition affected naxalite and backward tribal areas; and

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Commission to be known as the National Malnutrition Policy Commission for carrying out the purposes of this Act.

Constitution of the National Malnutrition Policy Commission.

(2) The Commission shall consist of—

(i) a Chairperson;

(ii) a Vice-Chairperson;

(iii) five members from amongst persons of ability, expertise and standing having experience in the field of public health; and

(iv) two consultants from backward, tribal and naxal affected areas,

to be appointed by the Central Government in such manner as may be prescribed.

(3) The salary and allowance payable to and other terms and conditions of the services of the Chairperson, Vice-Chairperson, members and consultants shall be such, as may be prescribed.

4. (1) The Central Government shall provide such member of officers and employees along with technical experts as may be necessary for the proper coordination and functioning of the Commission.

Officers and employees of the Commission.

(2) The salaries and allowances payable to, and other terms and conditions of service of officers, employees and technical experts shall be such as may be prescribed.

5. Every State Government shall provide detailed information to the Commission regarding:—

State Government to provide detailed information to Commission.

(a) total malnutrition affected areas earmarked by the State Government;

(b) detailed information of plans to eradicate malnutrition;

(c) detailed information of the plans started by the Central Government in the State to eradicate malnutrition;

(d) total number of backwards, tribals and malnourished persons; and

(e) detailed information of the total funds spent on welfare of backwards, tribals and malnourished persons.

6. (1) The Commission shall, on receipt of information from a State Government under section 5, appoint a team of experts to study the current status of the backward, tribal and malnutrition affected areas and make recommendations to the States with respect to:—

Functions of the Commission.

(a) measures to solve the problems of underweight, anaemia and dwarfism at the time of birth in children of the malnutrition affected areas;

(b) access to health service for safe maternity, safe natal care and safe mother care in backward areas;

(c) improvement in the health awareness and education system in the tribal and naxalite affected areas of the country;

(d) effective implementation of the ongoing schemes to bring down child malnutrition by the Central Government.

(e) steps to eradicate prevailing diseases relating to malnutrition such as rickets and anaemia; and

(f) take preventive measures to overcome the incidence of malnutrition among children, pregnant women and lactating mothers.

(2) The team of experts appointed under sub-section (1) shall, at every six months, visit the malnutrition affected backward and tribal areas in the country and shall recommend measures to overcome malnutrition and for better utilization of the Fund.

(3) The Commission shall, on the basis of the report submitted by the team of experts, release adequate funds to a State Government for development of malnutrition affected backward and tribal areas.

Malnutrition
Prevention
Fund.

7. The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Malnutrition Prevention Fund to implement the provisions of this Act.

Power to
remove
difficulty.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

The biggest strength of any country is its public which means its human resource. The working population is considered as strength of that nation. India has always benefitted from this very feature, but there is a problem faced by India which is becoming a national challenge, *i.e.* malnutrition. The country has taken firm steps to end malnutrition, but due to the huge population of India the measures and plans undertaken in this direction are not enough. Now, India is capable enough to have sufficient store of grains and even then if a child remains malnourished it is a matter of concern. There are 4.7 crore malnourished children in India who are not able to display their full human potential. This means every four out of ten children are facing this very problem.

Malnutrition is a big hindrance on the country's way to development. In the 'Global Hunger Index' report presented in 2017, India slipped by forty-five positions and is ranked 100th in the Index. It is important that the Government and the Ministries concerned and institutions work hand in hand in order to uproot the problem like malnutrition.

The total numbers of malnourished people in India is approximately 19.50 crore. According to a report of the United Nations, India is taking various steps to address this challenge. Various steps are being taken to double the income of the farmers by 2022, work is also being done to increase the irrigated land, coarse grains are being encouraged. India has taken various measures to end malnutrition in the past two decades wherein Midday Meal, Anganwadi Programme, providing dietary items to the poor through Public Distribution System and National Food Security enactment have been included.

In the Economic Survey 2017-18, they stated that child and mother malnutrition is still a big challenge for India. Presently, malnutrition is a widespread problem in almost fifty per cent. of the villages of India. Of the total deaths per year in India, the reason behind five per cent. of them is malnutrition. According to the report by UNICEF the total number of malnutrition affected children is 14.6 per cent., out of which India alone has 5.7 crore. It is worrisome that forty-seven per cent. of the children of our country below the age of three years are malnourished. According to the Family Health Survey-4 of 2015-16, height of 38.5 per cent. of the children upto five years of age is far below their age due to malnutrition. According to the figure, seventeen lakh children die before attaining the age of one year whereas 1.08 lakh children are unable to complete even one year of age.

Hence with the aim to uproot the grave problem of malnutrition from the country and to accelerate the development in the backward, tribal and naxalite affected areas establishment of "National Malnutrition Policy Commission" is proposed in the Bill.

The Bill seeks to achieve the above objectives.

NEW DELHI;
June 6, 2019.

NIHAL CHAND

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a National Commission for the development of malnourished, backward and tribal areas. It also provides for the salaries and allowances for the Chairperson and other members of the Commission. Clause 4 provides for availability of required officers and employees by the Central Government for proper coordination and functioning of the Commission. Clause 6 provides for appointment of technical experts for issuance of funds to States for development of malnutrition affected backward and tribal areas. Clause 7 provides for the constitution of a Malnutrition Prevention Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 87 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2019.

Short title.

2. For article 9 of the Constitution, the following article shall be substituted, namely:—

Substitution
of new article
for article 9.

“9. Every person who is a citizen of India by virtue of article 5, or is deemed to be a citizen of India by virtue of article 6 or article 8, shall continue to be such citizen even if such person has voluntarily acquired the citizenship of any foreign State.”

Persons
voluntarily
acquiring
citizenship of
a foreign State
are continue
to be citizen
of India.

3. In article 11 of the Constitution, after the words "acquisition and termination of citizenship", the words ", dual citizenship" shall be inserted:

Amendment
of article 11.

STATEMENT OF OBJECTS AND REASONS

The Indian diaspora is the largest in the world, with more than thirty million people with Indian origin spread across the globe. India is the largest remittance receiving country, receiving nearly \$65 billion a year. It is also a matter of great pride that the Indian diaspora plays an instrumental role in building nations they reside in. Between 1995 and 2000, over a quarter of IT and engineering companies started by immigrants in USA, were started by Indian immigrants. People of Indian origin have also taken up positions of responsibility and they have risen to high offices such as that of the President of Singapore, the Prime Minister of Mauritius, Trinidad and Tobago, and Governor- General of New Zealand. Persons of Indian origin have also been leading lights in the business community, in academia and in the world of literature.

Many Indians who migrate to other countries in the search of job opportunities, and those who take citizenship of such countries to seek equality in benefits and in their treatment in their place of residence, must not be seen as people who lack allegiance to the Republic of India. In the era of globalization, more people from India will search for opportunities abroad. By automatically terminating their Indian citizenship when they seek citizenship of countries of residence, the law effectively cuts them off from their roots and make them feel like they do not have a real stake in their country of origin.

In recognition of the impact of globalization, many countries provide their citizens the option of dual citizenship. In response to growing demands from the Indian diaspora for a similar option, the Parliament amended the Citizenship Act, 1955 to provide for the status of Overseas Citizens of India or OCIs. However, as per the law, OCIs do not enjoy all the rights that citizens of India can exercise, especially the right to vote, or to represent India in international sporting or other competitions. Dual citizenship in its truest sense cannot be granted through a statute due to article 9 of the Constitution, which provides for the automatic termination of Indian citizenship, if an Indian voluntarily acquires the citizenship of a foreign country.

In order to enforce the idea that each member of the Indian diaspora has an important stake in the country of their origin, it is necessary to amend the Constitution, to pave way for statutory reform to allow dual citizenship.

Hence this Bill.

NEW DELHI;
June 6, 2019.

SHASHI THAROOR

BILL NO. 85 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2019.
2. After article 14 of the Constitution, the following article shall be inserted, namely:—

Short title.

Insertion of
new article
14A.

"14A. Every eligible citizen shall have the right to vote at an election to the House of the People, Legislative Assembly of a State and the Institutions of Local Self Government."

Right to Vote.

- Amendment of article 84. **3.** In article 84 of the Constitution, for clause (b), the following clause shall be substituted, namely:—
 "(b) is not less than eighteen years of age; and".
- Amendment of article 173. **4.** In article 173 of the Constitution, for clause (b), the following clause shall be substituted, namely:—
 "(b) is not less than eighteen years of age; and".
- Amendment of article 243F. **5.** In article 243F of the Constitution, in clause (1), for the proviso to sub-clause (a), the following proviso shall be substituted, namely:—
 "Provided that no person shall be disqualified on the ground of age, if he has attained the age of eighteen years."
- Amendment of article 243V. **6.** In article 243V of the Constitution, in clause (1), for the proviso to sub-clause (a), the following proviso shall be substituted, namely:—
 "Provided that no person shall be disqualified on the ground of age, if he has attained the age of eighteen years."

STATEMENT OF OBJECTS AND REASONS

The thirteen judge Bench of the Supreme Court in the landmark judgement in *Kesavananda Bharati Vs. State of Kerala* held that democracy is a part of the basic structure of the Constitution of India. The Right to Vote is the most important feature of democracy as vested in the Constitution. This right has been recognised as a basic human right under the Universal Declaration of Human Rights at Article 21 and the International Convention on Civil and Political Rights at Article 25, both of which are internationally binding instruments on India.

Despite such binding obligations, in the absence of the fundamental right to vote to that effect, courts have had to interpret article 19(1)(a) of the Constitution *i.e.* right to freedom of speech and expression to include the right to know antecedents of the candidate, the right to secrecy of voting and the right to not vote. Such fictional distinction between the right to vote and freedom to vote created due to absence of the fundamental right to vote in the Constitution of the largest democracy in the world is a mockery of the democratic form of governance. Therefore, right to vote is required to be included as a fundamental right in the Constitution.

While the age to vote is eighteen years, one may contest election at any level of the democratic system in the country only after the passage of few years. For a country that has a majority of its population below the age of contesting elections and whose literacy has improved multifold since independence, the time has arrived to reduce the age to contest elections to eighteen years to vest and trust those who vote for us as representatives, to be able to be representatives themselves.

This Bill, therefore, seeks to amend the Constitution with a view to include Right to Vote as a Fundamental Right and also to lower the age of contesting elections to the House of the People, Council of States, State Legislature and Panchayats to eighteen years.

Hence this Bill.

NEW DELHI;
June 6, 2019.

SHASHI THAROOR

BILL NO. 124 OF 2019

A Bill further to amend the Indian Penal Code, 1860

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and
commencement.**1.** (1) This Act may be called the Indian Penal Code (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

Omission of
sections 354
and 509.**2.** Sections 354 and 509 of the Indian Penal Code, 1860 shall be omitted.

45 of 1860.

STATEMENT OF OBJECTS AND REASONS

Section 354 of the Indian Penal Code, 1860 criminalizes the act of using force against a woman with the intent to ‘outrage her modesty’. This section has been used against individuals who have committed acts of sexual harassment or other sexual crimes against women. However, the section is premised on the archaic notion of honour and female modesty. Instead of focusing on the dignity of an individual and penalizing any violation of his or her body, the law focuses on the so-called modesty of a woman.

Since the law does not define ‘modesty’, the Supreme Court in *Rupan Deol Bajaj v. K.P.S Gill* (1996 AIR 309), incorporated the dictionary meaning of the term in Indian jurisprudence. It held that modesty in relation to a woman means “*womanly propriety of behaviour; Scrupulous chastity of thought, speech and conduct (in man or woman); reserve or sense of shame proceeding from instinctive aversion to impure or coarse suggestions*”. The social expectation of women to be ‘modest’ and the belief that one’s modesty or honour is violated due to the acts of a criminal, is the manifestation of patriarchal notions of the female gender.

The Criminal Law (Amendment) Act, 2013 introduced new provisions in the Indian Penal Code, to address sexual offences such as sexual harassment, voyeurism and stalking. Since the main purpose of section 354 has been covered by the ambit of these provisions, the Omission of this section will not adversely affect women survivors of sexual violence. Section 500 of the Indian Penal Code is similar to section 354, as it penalizes acts meant to insult the modesty of a woman. This section also requires an amendment.

The language employed by the law is not a mere technicality. It is an important indicator of how society perceives various identities. Therefore, over time, it is important to revise laws which employ archaic and patriarchal language.

Hence this Bill.

NEW DELHI;
June 6, 2019.

SHASHI THAROOR

BILL NO. 122 OF 2019

A Bill to provide for the establishment of a States and Union Territories Reorganisation Commission to recommend the reorganisation of States and Union territories to the Central Government through periodic review of demands of new States or Union territories on the basis of administrative efficacy and related grounds and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the States and Union Territories Reorganisation Commission Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires.—

Definitions.

(1) 'Commission' means the States and Union Territories Reorganization Commission constituted under section 3;

(2) 'Census of India' means the census taken by the Central Government under the Census Act, 1948;

(3) 'prescribed' means prescribed by rules made under this Act;

(4) 'State' means a State specified in the First Schedule I to the Constitution; and

(5) 'Union territory' means any Union territory specified in the First Schedule to the Constitution and shall include any other territory comprised within the territory of India but not specified in that Schedule.

3. (1) **The Central Government shall, by notification in the Official Gazette, constitute a Commission, to be known as the States and Union Territories Reorganisation Commission, to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.**

Constitution of the States and Union Territories Reorganisation Commission.

(2) **The Central Government shall constitute the Commission as mentioned under sub-section (1) after the completion of the census of India.**

4. (1) The Commission shall consist of a Chairperson and two members to be nominated by the Central Government, with at least one expert from the field of law or the field of economics and one person with experience in public administration.

Composition and Term of the Commission.

(2) The Central Government shall provide the Commission with a Secretary and such officers and employees as may be necessary for the efficient functioning of the Commission under this Act.

(3) The Chairperson and every member shall hold office for a period of three years from the date on which he enters upon his office.

(4) The Chairperson or any member may, by writing under his hand addressed to the President, resign his office.

(5) The Central Government shall remove a person from the office of Chairperson or a member if that person—

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of discharging his functions;

(e) has, in the opinion of the Central Government, so abused his position as a member, so as to render a person's continuance in office detrimental to public interest.

(6) The salaries and allowances payable to, and the other terms and conditions of service of the officers and other employees of the Commission shall be such as may be prescribed.

5. (1) The Commission shall, recommend to the Central Government on the desirability for reorganisation of States and Union territories within two years of its Constitution.

Functions of the Commission.

(2) The Commission shall, while recommending on the reorganisation of States and Union territories under sub-section (1), take into consideration the following—

(i) administrative efficacy;

(ii) national unity and security;

(iii) economic interests;

(iv) geographical position;

- (v) population;
- (vi) aspirations of the people;
- (vii) cultural homogeneity;
- (viii) financial cost of reorganisation; and
- (ix) any other factors as may be prescribed.

(3) The Commission shall perform such other functions with regard to the reorganisation of States and Union territories as may be assigned to it by the Central Government.

Report of the Commission.

6. (1) The Commission shall, prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities and submit a report to the Central Government.

(2) A copy of the report received under sub-section (2) shall be laid, as soon as may be after it is received, before each House of Parliament.

(3) A copy of the report received under sub-section (1) of section 5 shall be laid, as soon as it may be received, before each House of Parliament.

(4) The Central Government shall, within two years after the receipt of the report under sub-section (1) of section 5, cause to be laid an Action Taken Report on the recommendations of the Commission, including the acceptance or rejection of such recommendations, before each House of Parliament.

Powers of the Commission.

7. The Commission shall have the power to call upon and secure the assistance of any office or agency of the Central Government or a State Government or a Union territory Administration for carrying out the functions assigned to it under this Act.

Power to make rules.

8. (1) The Central Government may, by notification, in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is the embodiment of diversity. A country so rich and diverse in its culture and topography, it is more often equated to a continent than a country. The unity and strength of the country lies in its promotion of individual interest as much as the national interest.

At the beginning of the creation of the country, stability of the nation was of prime importance. In order to reduce religious tensions that had recently engulfed the country during the partition and to create stable units by agreeing to the demands of the people, States were organized on the basis of languages. It was based on the report of the States Reorganisation Commission created on 22nd December, 1953 by the then Prime Minister of India, Pandit Jawaharlal Nehru, for the “objective and dispassionate” study “so that the welfare of the people of each constituent unit as well as the nation as a whole is promoted”.

Half a century later, in the year 2000, three new States of Uttarakhand, Chhattisgarh and Jharkhand were created for socio-political reasons of development of backward regions of larger States. Later, in 2014, the State of Andhra Pradesh was bifurcated, respecting the wishes of the people and other considerations of the region.

The constant bifurcation and reorganisation of States confirms that such issues shall be omnipresent in a country of such diversity. It is pertinent to create a mechanism for reorganisation of States that takes into account economic and financial viability, administrative efficacy, unity of the nation, cultural history, attitude of the people and so on. A pre-planned consistent study of reorganization of States on the basis of these factors will ensure informed decision-making that will lead to efficient stable units rather than knee-jerk reactions. Keeping true to the words of Nehru Ji, it will be an objective and dispassionate process for the welfare of both the people and the country.

Hence this Bill.

NEW DELHI;
June 6, 2019.

SHASHI THAROOR

FINANCIAL MEMORANDUM

Clause 3 of this Bill provides for establishment of the States Reorganisation and Union Territories Commission. It also provides for appointment of a Chairperson, members, a Secretary and other Officers and employees to the Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about ten crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 84 OF 2019

A Bill to provide for reservation for the person belonging to the Scheduled Castes and the Scheduled Tribes in private sector and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Reservation for Scheduled Castes and Scheduled Tribes in Private Sector Act, 2019. Short title.

2. In this Act, unless the context otherwise requires:— Definitions.

(a) ‘private sector’ means any organization or establishment which is owned purely by private individual or corporation or limited company or in any organization in which the Government of India or a State has no financial interest and wherein not less than fifty persons are employed; and

(b) ‘prescribed’ means prescribed by rules made under this Act.

Government to encourage private sector to make provision for reservation.

3. (1) The Central Government shall give due encouragement to private sector to make provisions for reservation for the person belonging to the Scheduled Castes and the Scheduled Tribes in their organization.

(2) The encouragement as provided in sub-section (1) may include:—

- (i) special concessions under various existing Central schemes; and
- (ii) loans from nationalized banks at reduced rate of interest.

Annual Report.

4. The Central Government shall cause to be laid an annual report before both Houses of Parliament about the action taken under this Act.

Power to make rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

At present reservation is available in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes under the State. The number of posts and appointments in Government sector has come down considerably, especially after the economic liberalization. Now, the private sector is more involved in the nation building activities and infrastructure and economical projects. Also, people belonging to the Scheduled Castes and the Scheduled Tribes find it very difficult to get into Government service due to less number of posts available.

At present, there is no provision for reservation in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes in services under private sector. But the Government cannot force private sector to make reservation for them. This can be done only by providing concessions and special schemes to encourage private sector to provide reservation.

Hence this Bill.

NEW DELHI;
June 6, 2019.

KODIKUNNIL SURESH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 109 OF 2019

A Bill to designate Islamic Republic of Pakistan as State sponsor of terrorism and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Designation of Islamic Republic of Pakistan as State Sponsor of Terrorism Act, 2019. Short title, and commencement.

(2) It shall come into force immediately.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “terrorist act” means doing of any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with the intent to strike terror in the people or any section of the people in India, or in any foreign country, or with the intent to influence by threat or likely to influence by the threat the Government of India or an international Government organisation—

(i) by using bombs, dynamites or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or

other chemicals or by any other substances (whether biological, radioactive, nuclear or otherwise) of a hazardous nature or by any other means or whatever nature to cause—

- (a) death of, or injuries to any person or persons; or
 - (b) loss of, or damage to or destruction of property; or
 - (c) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or
 - (d) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or
- (ii) by overawing by means of criminal force or the show of criminal force attempt to do so or cause death of any public functionary; or
- (iii) by designing to seriously interfere with or seriously disrupt an electronic system, computer system or network or to attempt to do so; or
- (iv) by providing support by means of sponsoring or making provisions, including by non-enforcement of any law to prevent the same for the training of any militia, paramilitary or guerrilla forces to wage proxy war against the Government of India; or
- (v) by detaining, kidnapping or abducting any person and threatens to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or any other person to do or abstain from doing any act.
- (b) "State Sponsor of Terrorism" means the Islamic Republic of Pakistan and the Government of any country which has provided support to terrorist acts, directly or indirectly, including through its instrumentalities or retired officials or through negligence in taking effective steps to curtail or prevent the use of its territory for commission of terrorist acts against India.

Declaration of
Islamic
Republic of
Pakistan as
State Sponsor
of Terrorism.

3. The Central Government shall, by notification in the Official gazette, declare Islamic Republic of Pakistan as State Sponsor of Terrorism and cease all bilateral relations with it including diplomatic, economic and political.

Temporary
suspension of
nationals of
Islamic
Republic of
Pakistan.

4. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall order temporary suspension, for a period of one hundred eighty days, of entry of nationals of Islamic Republic of Pakistan into India for all purposes except for matters connected with the security of India.

Central
Government
to submit a
report on
determining
Islamic
Republic of
Pakistan a
State Sponsor
of Terrorism.

5. (1) The Central Government shall, as soon as may be, but after one hundred eighty days after the date of enactment of this Act, through the Foreign Secretary and in consultation with the heads of other appropriate departments and agencies, submit to both the Houses of the Parliament a report describing whether the Government of Islamic Republic of Pakistan continues to be a State Sponsor of Terrorism and if not, a detailed justification as to why the conduct described in the report does not meet the legal criteria for determination in the affirmative.

(2) The Central Government shall, as soon as may be, but not later than sixty days, after receipt of report under sub-section (1), cause it to be laid before each House of Parliament:

Provided that for calculation of period of sixty days, the intervening periods during which the House(s) has been adjourned for more than three days shall not be taken into consideration.

STATEMENT OF OBJECTS AND REASONS

The Islamic Republic of Pakistan continues to provide safe heaven to dreaded terrorists like Hafeez Saeed and terrorist organizations like the Taliban, Al-Qaeda, Jama'at-ud-Da'wah, Jaish-e-Mohammad, the Haqqani Network, Lashkare-e-Taiba among many others.

Despite clear evidences of involvement of perpetrators from Islamic Republic of Pakistan, India continues to engage diplomatically and otherwise with the country. The Bill intends to act as a strong condemnation of Pakistan's continued sponsoring of nefarious activities against India and hopes to set in place a process that redeems the loss of countless Indian lives lost in these activities.

Hence this Bill.

NEW DELHI;
June 10, 2019.

SANJAY JAISWAL

BILL NO. 91 OF 2019

A Bill to prevent the institution or continuance of vexatious proceedings, in civil and criminal matters in the High Courts and Courts subordinate thereto and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Vexatious Litigation (Prevention) Act, 2019.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declaration
of a person as
a vexatious
litigant.

2. (1) An application for declaring a person as a vexatious litigant, may be filed in the appropriate High Court—

(a) by the Advocate General or in absence of Advocate General, by a senior advocate nominated by the High Court in this behalf; or

(b) by the Registrar General of the High Court; or

(c) with the leave of the High Court, by a person against whom the proceedings, civil or criminal, have been instituted or are being continued.

(2) If, on application being filed under sub-section (1), the High Court is satisfied that any person has habitually and without any reasonable ground instituted vexatious proceedings, civil or criminal, in any court, whether against the same person or against different persons, the High Court may, after giving the person who has instituted such proceedings, an opportunity of being heard, declare that person as a vexatious litigant and shall also order as provided under sub-section (1) of section 4:

Provided that if an application is filed by any person referred to in clause (b) or (c) of sub-section (1), the Advocate General or, in the absence of Advocate General, such senior advocate, as may be nominated by the High Court in this behalf, shall also be heard.

3. (1) Subject to the provisions of sub-section (2) when the High Court under sub-section (2) of section 3 or under sub-section (2) of section 6 declares a person as a vexatious litigant, it shall also order that—

(a) no vexatious proceeding, civil or criminal, shall be instituted by the said person in the High Court or in any other Court subordinate to that High Court; and

(b) no vexatious proceeding, civil or criminal, already instituted by the said person in the High Court or in any other court subordinate to that High Court, shall continue without obtaining the leave of the appropriate Court or appropriate Judge.

(2) It shall not be necessary for the person declared as a vexatious litigant to obtain leave in the following cases—

(a) where such person has instituted a proceeding in the appropriate Court before the appropriate Judge for the purpose of obtaining leave; or

(b) where, in any matter instituted against him, such person proposes to file or take appropriate proceedings to defend himself; or

(c) where, in a proceeding instituted or continued by such person after obtaining leave from the appropriate Court or the Judge, the said person proposes to file or take appropriate further proceedings.

(3) The leave under sub-section (1) shall not be granted unless the appropriate Court or the appropriate Judge, as the case may be, is satisfied that the proceedings are not an abuse of the process of the Court and that there is *prima facie* reasonable ground for granting leave to institute or continue proceedings by the person declared as a vexatious litigant.

4. (1) Every order made under sub-section (2) of section 3, declaring any person as a vexatious litigant, shall be published in the Official Gazette and may also be published in such other manner as the High Court may direct.

(2) Every order referred to in sub-section (1) shall also be communicated to all the courts subordinate to the High Court which passed such order.

5. (1) Where any proceedings, civil or criminal, is instituted or continued in any court by a person against whom an order under sub-section (1) of section 3 has been made without obtaining the leave required to be obtained from the appropriate Court or appropriate Judge, such proceedings shall be dismissed by the said court.

(2) The court while dismissing the proceedings under sub-section (1) shall, in addition, further direct such vexatious litigant to pay costs.

(3) Every person referred to in sub-section (1) who has instituted or continued any proceedings without leave as aforesaid, may also be liable for punishment for contempt of the High Court which had passed the order under sub-section (1) of section 3.

Leave of Court necessary for vexatious litigant to institute or continue any civil or criminal proceedings.

Publication and communication of order.

Proceedings, civil or criminal, instituted or continued without leave of the appropriate Court to be dismissed and other consequences.

Declaration
and order by
more than
one High
Court.

6. (1) Where any person against whom an order under sub-section (1) of section 3 has been made by a High Court, institutes or continues any proceedings, civil or criminal, in another High Court or in a Court subordinate to such High Court, then the person referred to in sub-section (1) of section 2 may make an application to such High Court for declaring such person as a vexatious litigant.

(2) If, on an application filed under sub-section (1), the High Court is satisfied that any person has been declared as a vexatious litigant under sub-section (2) of section 2, by another High Court, the High Court may, after giving an opportunity of being heard to the person who has instituted or continued any proceeding, civil or criminal, declare that person as a vexatious litigant and shall also order as provided under sub-section (1) of section 3.

(3) Where an application under sub-section (1) is filed, the provisions of sub-sections (2) and (3) of section 2, and sections 3, 4 and 5 shall apply in relation to such application.

Power of
High Court to
make Rules.

7. (1) Every High Court may make rules for implementing the provisions of this Act.

(2) All rules made under this section shall be published in the Official Gazette.

Saving.

8. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law providing for striking out vexatious pleadings or prevention of abuse of process of law, or which require consent, sanction or approval in any form of any other authority for the institution or continuance of any civil or criminal proceeding.

STATEMENT OF OBJECTS AND REASONS

Indian courts face a big challenge of pendency of cases filed therein. There are many factors responsible for huge pendency of litigation in courts, and frivolous and vexatious litigation plays an important role in creating this backlog. Looking at the gravity of the situation, the Law Commission of India made credible efforts to prepare its 192nd Report on Prevention of Vexatious Litigation in June, 2005. This Bill is an extension of the recommendations as put forward by the Commission. Hon'ble Supreme Court has also asked about a nationwide law to prevent non-genuine litigants from overburdening the courts.

The main purpose of enacting a law on the subject is to prevent a person from instituting or continuing vexatious proceedings habitually and without reasonable ground in the High Courts and subordinate courts. It fills an important area where there has been a vacuum in the past nearly five decades in this country.

Hence this Bill.

NEW DELHI;
June 10, 2019.

SANJAY JAISWAL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the concerned High Court to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 71 OF 2019

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2019. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1951.

2. In the Representation of the People Act, 1951, in Part IV A, after section 29A, the following section shall be inserted, namely:— Insertion of new section 29AA.

Conditions for
recognition as
a National
party.

"29AA. Notwithstanding anything contained in the Election Symbols (Reservation and Allotment) Order, 1968, a political party shall be treated as a recognized National party, if—

S.O. 2959
dated the
31st August,
1968.

(a) the number of members belonging to the political party in the House of the People—

(i) is not less than ten percent. of the total number of seats in the House of the People; and

(ii) have been elected from not less than one-fourth of the total number of States;

(b) at the last general election to the House of the People, the candidates set up by the political party secure not less than sixteen percent. of total valid votes polled in one-fourth of the total number of States in the country; and

(c) at the last general election to the Legislative Assemblies, the candidates set up by the political party secure not less than sixteen percent. of the total valid votes polled in one-fourth of the total number of States in the country."

STATEMENT OF OBJECTS AND REASONS

At present, a political party is treated as a recognized National party if,—

(i) the candidates set up by it, in any four or more States, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent. of the total valid votes polled in their respective States; and

(ii) such political party has returned atleast four members to the House of the People at the aforesaid last general election for any State or States;

or

(i) its candidates have been elected to the House of the People, at the last general election to that House, from atleast two percent. of the total number of Parliamentary constituencies, any fraction exceeding one-half being counted as one; and

(ii) the said candidates have been elected to that House from less than three States.

However, the security deposits of candidates contesting election to Legislative Assembly or House of the People get forfeited if they secure less than sixteen percent. of the valid votes polled. So there is no rationale in recognizing any party which secures six percent. of the total valid votes polled in elections to the Legislative Assemblies or the House of the People, as a National political party.

There is a need to change the conditions for recognition as a National political party. A registered political party in order to get recognition as a National political party must have atleast 54 members or members equal to ten percent. of the total strength of the House of the People, elected from atleast one-fourth of the total number of States of the country. Further, the party must have secured at least sixteen percent. of the total votes polled in elections to the Legislative Assemblies and the House of the People in one-fourth States of the country.

Therefore, to achieve the above objectives, it is proposed to amend the Representation of the People Act, 1951 in the interest of the nation.

Hence this Bill.

NEW DELHI;
June 11, 2019.

GOPAL CHINAYYA SHETTY

BILL NO. 90 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2019.Amendment
of the Third
Schedule.**2.** In the Third Schedule to the Constitution, in Form III, under the heading 'B', after the words “I will faithfully discharge the duty upon which I am about to enter” the words “Bharat Mata ki Jai.” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

We are citizens of India and country is our motherland. We are born in this country and spend our entire lifetime in India. Just as a mother loves her children, the children should also give back the same affection to her. Similarly, the citizens of country should have love for their motherland in the same manner in which they love their mother.

Our nation is the largest democracy of world and the members elected from various fields represent the country in Parliament. Therefore, the members of Parliament should say “Bharat Mata Ki Jai” to show respect to their country after taking oath of membership so that more respect and affection can be developed for the country. The words “Bharat Mata Ki Jai” would define the love for nation in the citizens of the country.

Hence this Bill.

NEW DELHI;
June 11, 2019.

GOPAL CHINAYYA SHETTY

BILL NO. 104 OF 2019

A Bill further to amend the Press Council Act, 1978.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Press Council (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 14.

2. In section 14 of the Press Council Act, 1978, in sub-section (1), after the existing 37 of 1978. proviso, the following proviso shall be inserted, namely:—

"Provided further that if a journalist is found guilty of distorting the facts or spreading fake news, his accreditation as journalist shall be cancelled with immediate effect."

STATEMENT OF OBJECTS AND REASONS

Media is a vital part of the Democratic System in India and considered as a fourth pillar of democracy. The persons associated with journalism are considered very respectable and intellectual who are expected to bring truth before the society.

There is no doubt that the Press acts as a mediator between the public and the Government. The Press communicates the Government's activities to the masses and the public activities and expectations to the Government so that the facts of an incident are revealed.

Journalism has not achieved the prominent place in democracy on its own but the society has given it this prominence keeping the importance of responsibilities of journalism towards social causes. Democracy is empowered if journalism keeps playing its positive role towards social causes and put forth the right facts/news before the society.

But it has often been observed that there are certain shortcomings in Indian Press System while playing its role and some journalists have nothing to do with real journalism. The objective of a meaningful journalism is that it should play an important role between the administration and the society. It should not mislead the citizens of the country through yellow journalism, that means, by distorting facts or publishing fake news.

Therefore, the need is to bring an amendment in the Press Council Act, 1978 with a view to ensure that a Journalist does not involve in distorting the facts or spreading fake news while reporting or bringing any material before the society.

Hence this Bill.

NEW DELHI;
June 11, 2019.

GOPAL CHINAYYA SHETTY

BILL NO. 95 OF 2019*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2019.

Amendment
of article 85.

2. In article 85 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

"Provided that the number of sittings of each House of Parliament in all sessions in a calendar year shall not be less than one hundred and fifty days."

STATEMENT OF OBJECTS AND REASONS

The Constitution of India does not specify the number of sittings of each House of Parliament. It merely says that six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. There is, of late, a growing tendency to curtail the number of sittings of the Houses.

India is a country with complex problems which need immediate and durable solutions. Parliament is the supreme law making body. If it meets only for a limited number of days, it will cease to be an effective platform for the people to ventilate their grievances and seek remedy. The All India Presiding Officers Conference discussed the matter and proposed that the number of sittings of Parliament and State Legislatures be increased. But, so far, no initiative in this regard has come from the Central Government.

Parliament and State Legislatures should meet more often to discuss legislative proposals and other burning problems of the people.

The present Bill provides that the each House of Parliament should meet at least for one hundred and fifty days in a calendar year. Thus it aims at fulfilling the long felt desire of the people and their representatives.

NEW DELHI;
June 11, 2019.

GOPAL CHINAYYA SHETTY

BILL NO. 92 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2019.Amendment
of the Eighth
Schedule.**2.** In the Eighth Schedule to the Constitution, entries 3 to 22 shall be re-numbered as entries 4 to 23, respectively, and before entry 4 as so re-numbered, the following entry shall be inserted, namely:—

"3. Bhojpuri."

STATEMENT OF OBJECTS AND REASONS

Bhojpuri language which originated in the Gangetic plains of India is a very old and rich language having its origin in the Sanskrit language. Bhojpuri is the mother tongue of a large number of people residing in Uttar Pradesh, Western Bihar, Jharkhand and some parts of Madhya Pradesh as well as in several other countries. In Mauritius, this language is spoken by a large number of people. It is estimated that around one hundred forty million people speak Bhojpuri. Bhojpuri films are very popular in the country and abroad and have deep impact on the Hindi film industry.

Bhojpuri language has a rich literature and cultural heritage. The great scholar Mahapandit Rahul Sankrityayan wrote some of his work in Bhojpuri. There have been some other eminent writers of Bhojpuri like Viveki Rai and Bhikhari Thakur, who is popularly known as the “Shakespeare of Bhojpuri”. Some other eminent writers of Hindi such as Bhartendu Harishchandra, Mahavir Prasad Dwivedi and Munshi Premchand were deeply influenced by Bhojpuri literature. Bhojpuri language and its literature is gaining new heights because of the efforts made by various scholars.

Many personalities with Bhojpuri background have achieved highest positions in the country. Various International Conferences have been organized to promote Bhojpuri. At present Indira Gandhi National Open University is planning to start a certificate course in Bhojpuri language. Recently, the Bhojpuri study centre had been established in Banaras Hindu University to propagate and develop the Bhojpuri language. In Uttar Pradesh and Bihar, movements have been initiated to give Bhojpuri language its due place.

But it is unfortunate that the “Bhojpuri” language is yet to find a place in the Eighth Schedule to the Constitution.

For the promotion of literacy and the development of this language, it is necessary that this language be included in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
June 6, 2019.

RAVI KISHAN

BILL NO. 88 OF 2019

A Bill to prohibit the slaughter of cow and its progeny.

WHEREAS article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Ban on Cow Slaughter Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires, "cow" includes a bull, bullock, ox, heifer or calf.

Prohibition of
slaughter of
cow.

3. Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cow in any place.

Prohibition of
sale of beef.

4. No person shall sell or offer for sale or cause to be sold beef or beef products in any form for any purpose.

Punishment.

5. Any person who contravenes the provisions of sections 3 or 4 shall be punished with imprisonment which may extend to ten years or with fine which may extend to rupees one lakh or with both.

STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. In view of the consideration that the cow and its entire progeny must be saved to provide milk, as well as manure, it becomes imperative to impose complete ban on cow slaughter.

NEW DELHI;

RAVI KISHAN

June 6, 2019.

BILL NO. 63 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2019.

Amendment
of article 1.

2. In article 1 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) Bharat, that is Hindustan, shall be a Union of States.”.

STATEMENT OF OBJECTS AND REASONS

The ancient and traditional names of our country are Bharat and Hindustan. These two names were popular during pre-British period. After the establishment of the British rule, Britishers used the name “India” which was popular in their own country. The framers of the Constitution recognised the ancient name of the country ‘Bharat’ and gave it its due place in the Constitution. Article 1 of the Constitution provides that “India, that is Bharat, shall be a Union of States”. However, due to popularity of the English name, the traditional name of our country ‘Hindustan’ has been left out.

The Bill seeks to amend the Constitution with a view to changing the nomenclature of our country from “India, that is Bharat” to “Bharat, that is Hindustan”. The word “India” denotes that symbol of slavery and thus deserves to be omitted from our Constitution.

The Bill seeks to achieve the above objective.

NEW DELHI;
June 6, 2019.

RAVI KISHAN

BILL NO. 73 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

- | | |
|----------------------------|--|
| Short title. | 1. This Act may be called the Constitution (Amendment) Act, 2019. |
| Omission of article 44. | 2. Article 44 of the Constitution shall be omitted. |
| Insertion of new Part IVB. | 3. After Part IVA of the Constitution, the following Part and articles thereunder shall be inserted, namely:— |

"PART IVB

UNIFORM CIVIL LAW

- | | |
|--------------------------------------|---|
| Definition. | 51B. In this Part, unless the context otherwise requires, "the State" has the same meaning as in Part III. |
| Uniform civil code for the citizens. | 51C. The State shall secure for the citizen a uniform civil code throughout the territory of India." |

STATEMENT OF OBJECTS AND REASONS

The Constitution makers, while framing the Constitution of India, gave a direction to the Government that they should try to make uniform civil laws for all citizens throughout the country. The intention behind this was that when secularism was the avowed object of the Constitution, there should not be various civil laws based on different religions. Moreover, our country is not a theocratic State. It has no State religion. However, various civil laws in force at present are based on different religions.

As the direction to the Government to make uniform civil law is in the Directive Principles of State Policy, it is not enforceable in any court of law and as such no attempt has been made to bring uniform civil code. To ensure uniformity, equality and social justice, it is imperative that a uniform civil code should be brought at the earliest. This Bill, accordingly, seeks to amend the Constitution.

NEW DELHI;
June 6, 2019.

RAVI KISHAN

BILL NO. 112 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2019.Insertion of
new article
21B.**2.** After article 21A of the Constitution, the following article shall be inserted, namely:—Right to safe
drinking water
and sanitation
facilities.**“21B. The State shall provide adequate quantity of safe drinking water and sanitation facilities to all citizens.”.**

STATEMENT OF OBJECTS AND REASONS

Drinking water and Sanitation are basic necessities for sustaining life. Right to life and other guarantees for the well-being of citizens enshrined in the Constitution are meaningless unless a person has access to safe drinking water and sanitation. In 2010, the UN General Assembly recognized the human rights to safe drinking water and sanitation and the Human Rights Council reaffirmed this recognition. The water and sanitation should be treated as two distinct human rights, both included within human right to an adequate standard of living and with equal status. It is, therefore, necessary that human right to safe and adequate drinking water and sanitation is made available to all citizens by the State. The right to safe drinking water and sanitation should be included in part III of the Constitution as a fundamental right of the citizens.

The Bill seeks to amend the Constitution with a view to make it a duty of the State to provide adequate quantity of safe drinking water and sanitation facilities to all citizens.

Hence this Bill.

NEW DELHI;
June 6, 2019.

P. P. CHAUDHARY

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new article 21B to the Constitution, with a view to provide safe drinking water and facility for sanitation to the Citizen of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of Rupees five hundred crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of Rupees five hundred crore is also likely to be involved.

BILL NO. 69 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 370 of the Constitution, in clause (1), sub-clause (a) shall be omitted.

Amendment of
article 370.

STATEMENT OF OBJECTS AND REASONS

Article 370 of the Constitution provides for temporary provisions with respect to the State of Jammu and Kashmir. This article was drafted in Part XXI of the Constitution, which is in nature of temporary, transitional and special provisions in relation to the State of Jammu and Kashmir.

Article 370 (1)(a) refers to article 238 of the Constitution of India which has been repealed. This was to enable special autonomous status to the State of Jammu and Kashmir by removing the application of article 238 in respect of the State of Jammu and Kashmir.

However, article 238 of the Constitution was repealed in 1956 after the “Part B” States were removed and included as ordinary States after the Seventh Constitutional Amendment in 1956. Part B States were former Princely States or covenanting States governed by “Raj Pramukhs”. These were including States of Hyderabad, Madhya Bharat, Cochin, Vindhya Pradesh and Jammu and Kashmir. Jammu and Kashmir although a Part B State then was given a special status under article 370 of the Constitution.

In light of omission of article 238 by the Seventh Constitutional Amendment in 1956 the continued mention of the same in article 370 is an anomaly and hence needs to be suitably amended in order to ensure conformity with the entirety of the Constitution.

Hence this Bill.

NEW DELHI;
June 6, 2019.

P.P. CHAUDHARY

BILL NO. 74 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2019.Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 66 of the Constitution, in clause (4), after the words "or other authority", the words "or Institution of Self Government" shall be inserted.Amendment
of article 66.

STATEMENT OF OBJECTS AND REASONS

The 73rd and 74th Constitutional Amendments passed by Parliament in 1992 introduced local self-governance throughout the territory of India. The Constitution (73rd Amendment) Act, 1992 and the Constitution (74th Amendment) Act, 1992 come into force on 24 April, 1993 and 1 June, 1993, respectively.

These amendments added two new parts to the Constitution, namely:—

(i) Part IX titled "The Panchayats" adding articles 243 to 243O dealing with Panchayats; and

(ii) Part IXA titled "The Municipalities" adding articles 243P to 243 ZG dealing with Municipality.

Hence fulfilling one of the Directive Principles of State Policy with respect to article 40, that is, 'Organisation of Village Panchayats' and accomplishing the vision and intent of the framers of our Constitution to ensure self government at the lowest organisational levels of governance.

Articles 243G and 243W prescribe the powers, authorities and responsibilities, etc. of Panchayats and Municipalities, respectively. The Eleventh and Twelfth Schedules to the Constitution define the matters in respect of which schemes for economic development and social justice are to be implemented by Panchayats with regards to article 243G and by Municipalities with regard to article 243W, respectively. The Constitution, hence, deals with Panchayats and Municipalities in a great detail.

The 73rd and 74th Constitutional Amendments substantially changed the Constitution and the manner in which representation of the citizens, governance and devolution of powers in the nation was to be conducted.

However, while monumental in themselves, the amendments failed to change the qualifications for the election of the Vice-President of the Union of India.

Article 66(4) states that a person shall not be eligible for election as Vice-President if he holds any office of profit under the Government of India or Government of any State or under any local or other authority.

The inclusion of Panchayats and Municipalities as separate and distinct bodies in the Constitution as established by the 73rd and 74th Constitutional Amendments requires their inclusion as a disqualification under Office of Profit for election to the office of Vice-President. This is because the second highest office in the nation should not be influenced in any manner by any authority in the discharge of his duties.

In view of the above, the proposed amendment Bill seeks to include the Panchayats and Municipalities as distinct bodies rather than their present inclusion under 'any local or other authority' as offices of profit for election to the office of the Vice-President.

Hence, it has become expedient to introduce the words "or Institution of Self Government" within article 66(4) of the Constitution.

NEW DELHI;
June 6, 2019.

PP. CHAUDHARY

BILL NO. 70 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 324 of the Constitution, the following article shall be inserted, namely:—

Insertion of new
article 324A.

"324A. Notwithstanding anything in this Constitution, the Election Commission shall, as far as possible, endeavour to conduct elections to the House of the People and to the Legislative Assemblies of all States simultaneously."

Election
Commission to
conduct
elections to the
House of the
People and
Legislative
Assemblies of all
States
simultaneously.

STATEMENT OF OBJECTS AND REASONS

At present, general elections of Lok Sabha and State Legislative Assemblies are being held in different years and, in many cases, even at different periods of the same year. The tenure of both Lok Sabha and the State Legislative Assemblies have been fixed at five years by the Constitution.

Presently, the cost of holding elections for Lok Sabha and Legislative Assemblies of States and Union territories has been pegged at rupees four thousand and five hundred crores by the Election Commission.

Suggestions are being received from certain quarters that a scheme should be devised whereby the general elections to the Lok Sabha and the State Legislative Assemblies are held simultaneously.

The rationale given is that this will result in huge saving to the public exchequer, avoidance of replication of efforts on part of administration and law and order machinery in holding repeated elections and bring considerable savings to political parties and candidates in their election campaigns.

Another argument in support of the above suggestion is that now asynchronous Lok Sabha and Legislative Assembly elections including bye-elections result in prolonged enforcement of Model Code of Conduct with its concomitant adverse impact on development and welfare programmes.

Under the Parliamentary democracy envisaged in our Constitution, situations may arise from time to time, where the five year term of the Lok Sabha may have to be either curtailed or extended. The same would be the situation in relation to the State Legislative Assemblies. The proposal for simultaneous elections, however, would involve having fixed term for the Union and State Legislative bodies.

Hence this Bill.

NEW DELHI;
June 6, 2019.

P.P. CHAUDHARY

BILL No. 68 OF 2019

A Bill to provide for the compulsory use of bio-degradable packaging material in the supply and distribution of certain commodities with the aim to curb the usage of plastic and such other non-degradable material in packaging, and in the interests of the environment.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bio-degradable Packaging Materials (Compulsory Use in Packing Commodities) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "bio-degradable material" means any organic material that can be degraded by micro-organisms into simpler stable compounds and includes material made of paper or paperboard, bagasse, starch or cellulose or such other material or of such composition as may be notified by the Government from time to time in the Official Gazette, based on the recommendation of the Expert Committee as per the criteria laid down in section 3;

(b) "commodity" means—

(i) any essential commodity;

(ii) any article manufactured or produced by any scheduled industry;

(c) "essential commodity" shall have the same meaning as in the Essential Commodities Act, 1955;

10 of 1955.

(d) "Expert Committee" means the Expert Committee constituted under section 4;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "scheduled industry" shall have the same meaning as in the Industries (Development and Regulation) Act, 1951.

65 of 1951.

Power to specify bio-degradable packaging material.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government may, if it is satisfied, after considering the recommendations made to it by the Expert Committee, that it is necessary so to do, by order published in the Official Gazette direct, from time to time, and from such date, as may be specified in the order that—

(i) certain packaging material shall be qualified as bio-degradable and suitable for packaging; and

(ii) such commodity or class of commodities or such percentage thereof, shall, be packed for the purposes of its supply or distribution in such bio-degradable packaging material:

Provided that until such time as the Expert Committee is constituted under sub-section (1) section 4, the Central Government shall, before making any order under this sub-section, consider the matters specified in sub-section (2) of section 4, and any order so made shall cease to operate at the expiration of three months from the date on which the Expert Committee makes its recommendations.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

Constitution of Expert Committee.

4. (1) The Central Government may, with a view to determine the scope of bio-degradable packaging material in addition and determining the commodity or class of commodities or percentages thereof in respect of which bio-degradable packaging material shall be used in their packing, constitute an Expert Committee consisting of such persons as have, in the opinion of that Government, the necessary expertise to give advice in the matter.

(2) For the purposes of sub-section (1), the Central Government may take into consideration the experience of the experts in the academia, industry, commercial or social sector working particularly in the field of manufacturing of bio-degradable packaging material.

(3) The Expert Committee shall, after considering the following matters, indicate its recommendations to the Central Government with regard to the scope of bio-degradable packaging material, namely:—

- (a) the nature of the material, its durability and its ability to decompose effectively;
- (b) the cost of production of such material;
- (c) the probable reduction in the cost of solid waste management;
- (d) the impact of packaging costs;
- (e) the cost-benefit analysis of industrial *vis-a-vis* environmental costs;
- (f) the quantity of commodities which, in its opinion, is likely to be required for packing in bio-degradable material;
- (g) the nature of the commodity;
- (h) the consumption pattern of the commodity; and
- (i) such other matters as the Expert Committee may think fit.

(4) The salary and allowances payable to and other terms and conditions of service of the experts of the Expert Committee shall be such as may be prescribed.

5. Where an order has been made under section 3 requiring any commodity, class of commodities or any percentage thereof to be packed in bio-degradable packaging material for their supply or distribution, such commodity, class of commodities or percentage thereof shall not, on and from the date specified in such order, be supplied or distributed unless the same is packed in accordance with that order:

Prohibition or packing in any material other than the bio-degradable packaging material.

Provided that nothing in this section shall apply to the supply or distribution of any commodity, class of commodities or percentage thereof for a period of three months from the aforesaid date if immediately before that date such commodity, class of commodities or percentage thereof, were being packed in any material other than bio-degradable packing material.

6. The Central Government may, by order, require any person, who is required to use bio-degradable material for packing under section 3, to furnish, for the purposes of this Act,—

Power to call for information and samples.

(a) such information in his possession, with respect to any commodity or class of commodities or percentage thereof which requires such packing, to any officer specified by it, in such form and within such period as may be specified by that Government in the order; and

(b) such samples of bio-degradable packaging material for inspection by such officer at such places and within such period as may be specified by it in the order.

7. Any officer authorised by the Central Government (hereinafter referred to as the authorised officer) may enter, at all reasonable times, any place, premises or vehicle where any commodity packed in bio-degradable packaging material is stored or kept for supply or distribution, and may require its production for inspection and ask for any information relating thereto.

Power to enter and inspect.

8. (1) The authorised officer may, if he has reason to believe that any commodity has been packed in contravention of section 5 and is secreted in any place, premises or vehicle, enter into and search such place, premises or vehicle for such commodity.

Power to search and seize.

(2) Where, as a result of any search made under sub-section (1), any commodity packed in contravention of section 5 has been found, the authorised officer may seize such

commodity and any other thing which, in his opinion, will be useful for, or relevant to, any proceeding under this Act:

Provided that where it is not practicable to seize any such commodity or thing, the authorised officer may serve on the person an order that he shall not remove, part with, or otherwise deal with, the commodity or thing except with the previous permission of the authorised officer.

(3) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section. 2 of 1974.

Penalty for
contravention
of section 5.

9. (1) Whoever packs any commodity, class of commodities or any percentage thereof in any material in contravention of section 5 shall be punishable with fine which may extend to an amount equal to three times the cost of the bio-degradable packaging material which should have been used in accordance with the order made under section 3.

(2) Whoever, who has been previously penalised under this section, contravenes section 5 shall be punishable with fine which may extend to an amount equal to six times the cost of the bio-degradable packaging material which should have been used in accordance with the order made under section 3.

Penalty for
false
statement,
etc.

10. If any person, when required by any order made under section 5 to furnish any information or sample, fails to furnish such information or sample, or makes any statement or furnishes any information which is false in any material particular and which he knows, or has reasonable cause to believe, to be false or does not believe it to be true, he shall be punishable with fine which may extend to twenty thousand rupees.

Offences by
companies.

11. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge, of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in this sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section, the words "company" and "director" will have the same meaning as under the Companies Act, 2013. 18 of 2013.

Offences to
be cognizable.

12. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable. 2 of 1974.

Power to
delegate.

13. The Central Government may, by order published in the Official Gazette, direct that the powers exercisable by it under any provision of this Act, other than the power to make orders under section 3 or under section 16 or to make rules under section 17, shall, in relation to such matters and subject to such conditions, if any, as may be specified in the order, be exercisable also by—

(a) such officer or authority subordinate to the Central Government; or

(b) such State Government or such officer or authority subordinate to a State Government, as may be specified in the order.

14. The Central Government may give such directions as it may consider necessary to a State Government as to the carrying into execution of the provisions of this Act.

Central Government to give directions.

15. No suit, prosecution or other legal proceeding shall lie against the Central Government, State Government or any officer or employee of the Central Government or of any State Government or any authorised officer for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

Protection of action taken in good faith.

16. (1) If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest, it may, by order published in the Official Gazette, exempt any person or class of persons, supplying or distributing any commodity or class of commodities, from the operation of an order made under section 3.

Power to exempt.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

17. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India generates about sixteen thousand tonnes of plastic waste per day in the country, out of which, about nine thousand tonnes is recycled, while six thousand one hundred thirty seven tonnes remains uncollected and littered. Of the total waste, nearly forty three per cent. arises from packaging material, which is way over the world average of thirty five per cent. Growing economy with rise in per capita income has led to an increase in consumption of plastic for packaging of commodities in last few years. Consumption pattern and consumer behaviour has witnessed manifold increase in use of plastic bottles and plastic wrapping of products. The lack of awareness and absence of effective tools to collect the discarded plastic products including wrapping material has led to indiscriminate littering by plastic waste. However, with the promulgation of the Plastic Waste Management Rules 2016, there is now a formal and structured system in place in combating the issues of irregular management of plastics.

In a matter before the National Green Tribunal, the concern over usage of plastic in food and pharmaceutical packaging remains a bone of contention and wherein many a report by concerned stakeholders lay claims that such usage contributes to further harm, especially to consumers. Thus, to further the cause of a healthy environment, secure safety to consumers and to improve the system in combating plastic waste, it would be ideal that certain products be packaged using bio-degradable material. The need is to achieve that by creating a statutory mechanism by way of which the Government can mandate the compulsory usage of biodegradable material in packaging. It will push for a greater commitment towards making wise, environment-friendly choices in the manufacturing industry. Invariably, such a resolute show of interest by the Government will encourage and open up avenues for those who develop and manufacture bio-degradable packaging material.

Hence this Bill.

NEW DELHI;
June 6, 2019.

PARVESH SAHIB SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide for the constitution of an Expert Committee by the Central Government. It also provides for appointment for experts to the Committee. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that sum of rupees two hundred crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees two hundred crore is also likely to be involved.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

BILL NO. 94 OF 2019

A Bill to provide for the constitution of a Regulatory Authority for regulation of Pre-Examination Coaching Centres and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Pre-Examination Coaching Centres Regulatory Authority Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'Authority' means Pre-Examination Coaching Centres Regulatory Authority constituted under section 3;

(b) 'pre-examination coaching centre' means and includes any institute or establishment where any coaching is imparted for admission into any professional course including medical or engineering education or for appearing in any examination conducted by any Government or private establishment for the purpose of securing employment; and

(c) 'prescribed' means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Pre-Examination Coaching Centres Regulatory Authority for the purpose of regulating and controlling pre-examination coaching centres, in such manner as may be prescribed.

Pre-
Examination
Coaching
Centres
Regulatory
Authority.

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Authority.

(3) The headquarter of the Authority shall be situated at New Delhi.

(4) The Authority shall have its offices in every State/Union territory.

(5) The salary and allowances payable to, and other terms and conditions of services of Officers and Staff of the Authority shall be such as may be prescribed.

4. The Authority shall perform the following functions,—

Functions of
the Authority.

(i) conferring recognition to pre-examination coaching centres imparting coaching for various competitive examinations;

(ii) prescribing fees to be charged from students for pre-examination coaching being imparted at the coaching centres;

(iii) fixing minimum number of classroom lectures for various courses being offered at the coaching centres;

(iv) laying down minimum qualifications for the teachers to be employed in the coaching centres;

(v) prescribing penalties against such coaching centres which are not following the provisions of this Act; and

(vi) any other work relating to regulation of coaching centres as may be assigned to it by the Central Government from time to time.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The number of private institutions conducting pre-examination coaching is increasing at an alarming rate throughout the country. These coaching centres claim to be shaping the future of the youth of this country. Some of these coaching centres make false claims in order to attract maximum number of students and get huge amount from them as fees without providing proper coaching to them, thereby endangering their future. Therefore, there is an urgent need for legislation to regulate the functioning of such coaching centres in the country.

Hence this Bill.

NEW DELHI;
June 6, 2019.

JAGDAMBIKAPAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Pre-examination Coaching Centres Regulatory Authority. The Bill, therefore, if enacted, is likely to involve expenditure from Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore is likely to be involved per annum.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 67 OF 2019

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution
of new
section for
section 497.

2. For section 497 of the Indian Penal Code, 1860, the following section shall be substituted, namely:—

Adultery.

"497. Whoever has illicit and immoral relationship with a person who is and whom he knows or has reason to believe to be spouse of another person, such illicit and immoral relationship not amounting to any other offence under this code, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend upto five years, or with fine, or with both."

STATEMENT OF OBJECTS AND REASONS

The object of section 497 of Indian Penal Code, 1860, was to preserve the sanctity of the marriage as the society abhors marital infidelity. According to Indian culture, marriage is considered sacred and mutual fidelity and devotion to partner are still considered to be the essence of marriage.

The Supreme Court of India *vide* judgement dated 27 September, 2018 struck down section 497 of Indian Penal Code, 1860 as unconstitutional. The previous offence of adultery could be committed by a man with the married woman only. The husband of a woman having illicit and immoral relationship with other unmarried women could not be prosecuted by the wife for adultery. This section does not penalize the illicit and immoral relationship of a married man with an unmarried woman or a widow or even a married woman when her husband consents to it. The offence of adultery is an offence committed against the husband of the wife and not against the wife. Thus, the Supreme Court struck down previous section 497 as unconstitutional being violative of articles 14, 15 and 21 of the Constitution of India.

Further, the previous law draws a distinction between consent given by a married woman without her husband's consent and the consent given by an unmarried woman. Thus there is no doubt that this section treated a woman like a man's chattel.

The Bill, therefore, seeks to amend the Indian Penal Code, 1860 with a view to provide that both the husband and the wife can prosecute the adulterer or adulteress, as the case may be, of their spouse for the offence of adultery.

Hence this Bill.

NEW DELHI;
June 6, 2019.

JAGDAMBIKA PAL

BILL NO. 78 OF 2019

A Bill to provide for the establishment of an autonomous Board for the overall development of economically backward areas of the country.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Backward Areas Development Board Act, 2019.

Identification
of backward
areas.

2. (1) The Central Government shall, by notification in the Official Gazette, declare the areas of the country as backward areas which in the opinion of the Central Government are economically backward.

(2) Till such time the Central Government by notification so declares, the districts identified by Niti Aayog in 2018 as backward districts shall be treated as backward areas.

3. (1) There shall be established by The Central Government by notification in the Official Gazette, a Board to be called the Backward Areas Development Board.

Backward
Areas
Development
Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Board shall be at New Delhi and Board may, with the previous approval of the Central Government, establish offices at other places in country.

4. The Board shall consist of the following members, namely:—

Composition
of Board.

(a) a Chairperson, who shall be the Vice-Chairperson of the Niti Aayog, *ex-officio*;

(b) a Vice-Chairperson to be appointed by the Central Government;

(c) ten Members of Parliament from Lok Sabha to be elected by the Members House, who belong to the backward areas, from amongst themselves;

(d) ten members to be appointed by the Central Government to represent respectively:—

(i) the Planning Commission (other than the Chairperson of the Board);

(ii) the Ministry of the Central Government dealing with Agriculture;

(iii) the Ministry of the Central Government dealing with Industrial Development;

(iv) the Ministry of Central Government dealing with Finance;

(v) the Ministry of Central Government dealing with Railways;

(vi) the Ministry of Central Government dealing with Communications and Information Technology;

(vii) the Ministry of Central Government dealing with Education;

(viii) the Ministry of Central Government dealing with Health and Family Welfare;

(ix) the Ministry of Central Government dealing with Irrigation; and

(x) the Ministry of Central Government dealing with Road Transport and Highways;

(e) four members to be appointed by the Central Government, who, in the opinion of that Government are experts in various fields of economic development.

5. (1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the all-around development of the backward areas of the country.

Development
of Backward
Areas.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall take measures for the development, particularly, of railways, roads, posts and telegraphs and other means of communications, agriculture and irrigation, industries, banking, drinking water and water power; forests, live-stock, health and family welfare, education, vocational training and tourism in the backward areas of the country.

(3) The Central Government shall set up such industries in the backward areas as it may determine.

Appropriation
of fund.

6. The Central Government shall provide from time to time, after due appropriation made by Parliament by law in this behalf, adequate funds for—

(a) development works undertaken by the Board; and

(b) administrative expenses of the board.

Development
fund.

7. The Board shall have fund to be called the Development Fund to which shall be credited all receipts from the Central Government for the purposes of development of the backward areas and all payments by the Board towards development expenditure shall be made therefrom.

Administration
Fund.

8. The Board shall also have a fund to be called the Administration Fund to which shall be credited all receipts from the Central Government for the purposes of administration of the Board and all administrative expenses shall be met therefrom.

Salary of Vice
Chairperson.

9. The Vice-Chairperson of the Board shall be entitled to such salary and Allowances as may be prescribed by the Central Government.

Secretary to
the Board.

10. The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties as may be delegated to him by the Chairperson and the Vice-Chairperson.

Appointment
of officers
and staff.

11. The Board may appoint such officers and employees as may be necessary for the efficient performance of its functions.

Annual
Report.

12. (1) The Board shall submit every year a report, in such form as may be prescribed, of its development activities in the backward areas to the Prime Minister.

(2) The Prime Minister shall cause the report to be laid before each House of Parliament as soon as may be after receipt of the report.

Powers to
make rules.

13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of thirty days as aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be made without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

The need for reducing and removing economic disparities between different regions of the country was recognised as soon as the nation launched the programme of planned economic development. Accelerated development of backward areas, with a view to reduce regional disparities, was one of the important national objectives. But, even after seventy years of independence, the economic disparities among regions have not only persisted but have also increased. Required attention has not been paid to develop the backward areas.

For the development of the backward areas of the country and to bring them up in a short time to the level of the rest of the country, the strategy should be to evolve a fully integrated development programme for identified backward areas to ensure their all-round progress. For drought-prone areas which have a predominance of small and marginal farmers, area based programmes which envisage a flow of the necessary inputs in the form of a package to enable accelerated economic development should be implemented. In addition, a programme of giving incentives to enable accelerated industrialization of identified backward areas should be implemented. It should be ensured that infrastructural facilities like power, water supply and transport are steadily developed and made available to areas which are at present lagging behind industrially or where there is greater need for providing opportunities for employment. In order to achieve these objectives, an autonomous body, though under the overall control of the Central Government, should be established which would be responsible for planning and implementation of area based package programme in coordination with the Planning Commission and the State Governments. Further to ensure that the elected representatives from the identified backward districts do participate in the development process and share their experiences and inputs from the local people to enhance the performance of the board.

The Bill seeks to achieve the above objective.

NEW DELHI;

JAGDAMBIKA PAL

June 12, 2019.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Backward Areas Development Board. Clause 4 provides for appointment of Vice-Chairperson and four members who are experts in various fields of economic development, among others. Clause 9 provides for payment of salary to Vice-Chairperson. Clauses 10 and 11 provides for appointment of a Secretary to the Board and other necessary staff for performance of the functions of the Board. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees fifteen lakh from the Consolidated Fund of India on account of administrative expenses. So far as the development expenditure (Clause 6) is concerned, that will form part of the annual expenditure on development plans of the country as a whole, and the development funds shall be made available to the Board after due appropriation by Parliament. An estimate of such expenditure is not possible at this state. However, a recurring expenditure of about rupees ten thousand crore would be involved.

A non-recurring expenditure of about rupees fifty crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will provide for matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 64 OF 2019

A Bill to provide for welfare and rehabilitation measures to be undertaken by Central Government for the homeless citizens living near railway tracks, railway yards and railway land in metropolitan cities and other urban areas and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Welfare of Homeless Persons Living Near Railway Tracks, Railway Yards and Railway Land Act, 2019.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "persons living near railway tracks" include persons living near railway tracks or bridges or yards or under over-bridges or at any public place and land of the railway in metros and urban areas;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "railway" means the Union Ministry of Railways.

Formulation of National Policy for the welfare of homeless persons living near the railway tracks.

3. (1) The Central Government shall, within one year of the commencement of this Act, in consultation with State Governments and Union territory Administrations, formulate a National Policy for the welfare of homeless persons living near railway tracks, which shall be uniformly implemented across the country.

(2) Without prejudice to the generality of the foregoing provisions, the National Policy may provide for—

(a) **recognition of the right of the persons living near railway tracks to keep living near railway tracks without any hindrance or interference from police or civic authorities till alternative shelter is made available to them;**

(b) **rehabilitation of persons living near railway tracks on the land of railway, wherever possible;**

(c) **humanitarian approach towards homelessness and acute poverty of persons living near railway tracks;**

(d) **construction of sufficient number of night shelters with basic facilities at conspicuous places;**

(e) **provision of necessary healthcare with free checkup including diagnostic services and medicines through mobile dispensaries;**

(f) **provision of potable water;**

(g) **facility of mobile toilets or *Sulabh Shauchalya*, wherever possible, with facility of bathing;**

(h) **provision of medical facilities for pregnant women living near railway tracks;**

(i) **provision of two time meal for persons living in night shelters at minimum cost;**

(j) **free distribution of mosquito nets and provision of ambulance facility to protect them from malaria, dengue and other vector borne diseases;**

(k) **free education to the children of persons living near railway tracks including provision of free books, uniform, stationery, shoes, hostel facility and other educational material and vocational training and career counselling for the development of such children;**

(l) **necessary assistance in cash or in kind and advice and skill development for self-employment of persons living near railway tracks;**

(m) **rehabilitation of persons engaged in begging in a time bound manner; and**

(n) **such other measures as may be necessary for the purposes of this Act.**

(3) It shall be the duty of appropriate Government to implement welfare measures in such manner as may be prescribed.

4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, for carrying out the purposes of this Act.

Central Government to provide requisite Funds.

5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and the appropriate Government shall be guided on questions of policy by such directions and instructions as may be given by the Central Government:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

6. (1) The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

(2) The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

7. (1) The Central Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large part of our population is living near railway tracks, yards, below the railway bridges and on the land of railways. Whereas railway needs its own land to meet its increasing demand, the persons living near railway tracks and yards are compelled to live there due to poverty and non-availability of dwelling units for homeless persons. Most of the persons living in illegal settlements in these places are struggling with poverty, starvation and unemployment and lack of facilities of water, health and education. As a result, the number of sick persons are increasing due to adverse effect of unhygienic conditions on their health. These persons are being drawn towards crime due to insecurity and unemployment and lack of proper permanent settlement. And this affects the society at large.

Therefore, it is necessary that the Government rehabilitates these homeless persons living on the land of Railways and if it is not possible, rehabilitate them at some other convenient places. It has also to be ensured that they are not removed from their places till any alternate arrangement is made for their rehabilitation. Moreover, health, education, drinking water and employment should also be provided to them.

Hence this Bill.

NEW DELHI;

AJAY MISRA 'TENT'

June 10, 2019.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of national policy for the welfare of homeless persons living near the railway tracks, which shall include, *inter alia*, rehabilitation of persons living near railway tracks on the land of railway, wherever possible, construction of sufficient number of night shelters with basic facilities, provision of necessary healthcare with free checkup including diagnostic services and medicines through mobile dispensaries, facility of mobile toilets, two time meals, distribution of mosquito nets, free educational facilities to the children and financial assistance to these persons. Clause 4 provides that the Central Government shall provide requisite funds to the State Governments for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore will be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees ten thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 98 OF 2019

A Bill to provide for the constitution of a National Board for welfare of flood victims by making provisions of providing permanent shelters to flood victims, suggest measures to control floods and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the National Board for Welfare of Flood Victims Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Board" means the National Board for Welfare of Flood Victims constituted under section 3; and

(b) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Board for Welfare of Flood Victims.

Constitution of the National Board for providing permanent shelters to flood victims.

(2) The headquarters of the Board shall be at New Delhi and its regional offices shall be located in the capital of each State.

(3) The Board shall consist of a Chairperson and such other members as may be prescribed.

(4) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and other members of the Board shall be such as may be prescribed.

(5) The Central Government shall make available such officers and staff to the Board as it may require for its efficient functioning.

4. The Board shall—

Functions of the Board.

(1) identify areas in every State which are prone to flood;

(2) take steps to provide permanent shelters capable of withstanding the intensity of the flood to people in identified areas;

(3) formulate accelerated water drainage system in the residential areas located near rivers;

(4) take steps for plantation in nearby areas of river banks to mitigate the gravity of flood;

(5) install flood forecast system to alert the persons residing in flood prone areas; and

(6) make recommendations to the Central Government regarding minimizing the loss of lives and property in flood affected areas.

5. The expenditure incurred on provision of permanent shelter to flood victims under section 4 shall be borne by the Central Government and the State Governments in such ratio, as may be prescribed.

Expenditure incurred on implementation of the Act to be borne by the Central and the State Governments.

6. It shall be the duty of the Central Government to implement the recommendations of the Board:

Recommendations of the Board to be implemented by the Central Government.

Provided that where it is felt that any recommendation cannot be implemented due to any reason, the Central Government may, for reasons to be recorded in writing, inform the Board accordingly.

7. (1) The Board shall prepare, in such form and at such time, as may be prescribed, its annual report, giving a true and full account of its activities during the previous financial year and submit a copy thereof to the Central Government.

Annual Report.

(2) The Central Government shall cause the annual report to be laid before each House of Parliament.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is an agricultural country where more than seventy per cent. of the people earn their sustenance from agriculture itself as it happens to be the principal source of their income. Besides natural resources, favourable atmosphere is also necessary for good produce. Polluted environment, unplanned and uncontrolled development leads to disruption in the weather-cycle in the country frequently culminating in the incidence of floods. In the recent past, floods have wreaked havoc in Uttar Pradesh, Madhya Pradesh, Bihar, West Bengal, Uttarakhand, Odisha, States. The floods have devastated hundreds of villages and caused severe damage to life and property as well as to crops. Alongside, agricultural land has been subjected to great soil erosion. Several parts of the country have to bear the burnt of devastating floods every year from June to September due to which millions of people get displaced and rendered homeless. Huge loss occurs due to the loss of crops, livestock as well as erosion of soil. In view of the problems faced by the flood victims, temporary arrangements of shelter and food are made for them.

Such temporary arrangements need to be put in place in the flood affected areas every year. There is a need to exercise an effective control and find a permanent solution by making arrangements for permanent shelters to the flood affected people with essential infrastructure like pucca houses, proper drainage system, community hall for livelihood in emergent situation and sheds for animals with proper provision of fodder, etc.

Hence this Bill.

NEW DELHI;
June 10, 2019.

AJAY MISRA 'TENT'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a National Board for Welfare of Flood Victims. Clause 4 provides *inter alia* that Board shall take steps to provide permanent shelters capable of withstanding the intensity of the flood to people in identified areas, formulate accelerated water drainage system in the residential areas located near rivers and install flood forecast system to alert the persons residing in flood prone areas. Clause 5 provides that the expenditure incurred on provision of permanent shelters to flood victims shall be borne by the Central Government and State Governments in prescribed ratio. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one thousand crore per annum.

A non-recurring expenditure of about rupees twenty thousand crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only, and as such, the delegation of legislative power is of a normal character.

BILL NO. 79 OF 2019

A Bill to provide for compulsory establishment of Government Women College at block level and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Establishment of Government Women College Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "woman" means a woman who has received education upto intermediate level.

Establishment of Government Women's College.

3. (1) The appropriate Government shall establish adequate number of Government colleges at block level to provide graduate and post-graduate level education to women.

(2) The appropriate Government may, if it deems necessary, upgrade any existing college for carrying out the purposes of sub-section (1) in such manner as may be prescribed.

Facilities to be provided to students enrolled in colleges.

4. Every woman enrolled in a college established or upgraded under section (3) shall be provided with the following facilities:—

(i) cost of admission and fee including all other expenditure;

(ii) books free of cost;

(iii) free hostel facility, whenever necessary; and

(iv) scholarship in appropriate cases.

Central Government to provide the requisite fund.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite Funds, from time to time, for carrying out the purposes of this Act.

Power to make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Pivotal role of complete education of girls and boys for strengthening the social framework by providing equal opportunity has been acknowledged in our Republic from its inception. Presently, the female literacy rate is nearly sixty-five per cent. out of which the percentage of higher education is appropriately twenty-four per cent. Rural areas have witnessed a higher increase in literacy rate from the urban areas. Interest of women is increasing in higher education but the lack of adequate number of Government Women Colleges has become a roadblock in the upliftment of such women. Lack of Government women colleges despite an increasing number of educated women in the country is affecting women empowerment.

Therefore, it is proposed to establish Government Women Colleges at block level to ensure the participation of women in the development of family, society, State and country, and to make them self-reliant after completion of their higher education.

Hence this Bill.

NEW DELHI;
June 10, 2019.

AJAY MISRA 'TENT'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Government Colleges for women shall be established by the appropriate Government. Clause 4 provides for certain facilities like cost of admission, fee, books, hostel and scholarship to every woman enrolled in college. Clause 6 provides that the Central Government shall provide adequate funds to carry out the purposes of this Act. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees Five hundred crore will be involved.

A non-recurring expenditure of about rupees hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 75 OF 2019

A Bill to provide for the use of official language in the proceedings of the Supreme Court and the High Courts and certain other provisions and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Supreme Court and the High Courts (Use of Official Languages and Other Provisions) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by a notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appointed day" means the date as may be notified by the appropriate Government for the purposes of this Act;

(b) "appropriate Government" means—

(i) in relation to the Supreme Court and High Court of NCT of Delhi, the Central Government; and

(ii) in relation to the High Court of a State, the Government of that State;

(c) "document" means document as defined in section 3 of the Indian Evidence Act, 1872;

1 of 1872.

(d) "High Court" means any Court as defined in clause (14) of article 366, or established under article 231 of the Constitution and includes its benches;

(e) "official language" means the official language of the Union under article 343 of the Constitution and includes the language in use for official purposes in any State in which the High Court for that State is located;

(f) "party" includes any person authorized by the party to the matter or an advocate for the party;

(g) "proceedings" includes pleadings, petition, application, appeal, reference, revision, review, affidavit, counter affidavit, other documents filed or received during course of conduct of the matter, appearance, leading of arguments, during hearing in any matter, judgment, decree or order and such other matters as may be prescribed by the Supreme Court or a High Court, as the case may be; and

(h) "Supreme Court" means the Supreme Court of India.

Right of the Party to prefer official language during the course of proceedings.

3. (1) From the appointed day, any party to the proceedings before the Supreme Court and a High Court shall have the right to prefer the official language in conduct of such proceedings in the Supreme Court or a High Court, as the case may be.

(2) The party to the proceedings shall make an application to the Supreme Court or a High Court for the conduct of the proceedings in the official language in such manner as may be laid down by the Supreme Court or a High Court, as the case may be, under section 4.

Conduct of proceedings in the Supreme Court and a High Court.

4. (1) Where any party to the proceedings has made preference for the conduct of proceedings in official language, the Supreme Court or a High Court, as the case may be, shall conduct proceedings before it in the official language.

(2) The Supreme Court or a High Court, as the case may be, may lay down by rules the procedure for conduct of proceedings in the official language:

Provided that such procedure shall not entail any additional expense on any party to the case for conducting such proceedings in the official language.

Measures by appropriate Government.

5. The appropriate Government shall,—

(a) bear the fees of advocates, as may be determined by it, from time to time, for such parties to the proceedings who are below poverty line;

(b) fix the maximum fees to be charged by senior advocates in the Supreme Court and the High Court;

(c) bear the expenses of translation of proceedings from other languages in English language; and

(d) ensure availability of requisite infrastructure in the Supreme Court and the concerned High Court within its jurisdiction for conduct of proceedings in the official language in the Supreme Court or a High Court, as the case may be, from the appointed day.

Explanation.—For the purpose of this section, requisite infrastructure includes appropriate translation and typing facility in the official language and such other facilities as may be necessary for conduct of the proceedings in the official languages.

STATEMENT OF OBJECTS AND REASONS

For effective working of democracy, different types of responsibilities have been assigned to Legislature, Executive and Judiciary. The responsibility of protection of honour, property and constitutional rights and their periodic review lies with the Judiciary. But common people face a lot of difficulties for obtaining justice from the Supreme Court and the High Courts due to hindrances *viz.* language, translation fees of language and ineffective performance of prosecution.

For easy delivery of justice to common people and for removing difficulties of financial expenses and other such issues, concerned parties should be given right to submit affidavit, debates and writs in Hindi or in other local languages. Also the expenses of translation from English language into other language in the Courts must be incurred by the Courts and the Government. Maximum limit of the fees charged by senior advocates must be fixed. Entire expenses regarding the proceedings and fees of advocates appearing in the cases and appeals in High Court and the Supreme Court on behalf of people living below poverty line should be incurred by the Government.

Hence this Bill.

NEW DELHI;

AJAY MISRA 'TENT'

June 10, 2019.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the appropriate Government shall take such measures as may be necessary including bearing of the fees of advocates for any party to the proceedings who are below poverty line, as may be determined by it and ensuring availability of requisite infrastructure to the Supreme Court or a High Court within its jurisdiction for conduct of proceedings in the official language in the Supreme Court or a High Court, as the case may be, from the appointed day. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the exact amount of recurring and non-recurring expenditure likely to be involved.

BILL NO. 114 OF 2019

A Bill to provide for certain welfare measures for the small and marginal farmers of the country and for the constitution of a welfare fund for their benefits and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Small and Marginal Farmers (Welfare) Act, 2019.

(2) It extends to the whole of India.

Short title and
extent.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “accident” means an accident caused to a farmer during the course of an agricultural operation by any agricultural machinery and includes an injury due to fall from such machinery, tree or into a well or electric shock, snake bite or attack by any wild or domesticated animal;

(b) “agricultural operation” includes any work relating to agriculture, horticulture, sericulture, rearing of sheep, goat, cattle, milch cattle, poultry or any other work connected with or ancillary to agriculture;

(c) “Commissioner” means a Commissioner appointed under section 7;

(d) “Fund” means the Small and Marginal Farmers’ Welfare Fund constituted under section 4;

(e) “marginal farmer” means any person who owns agricultural land the size of which is not more than two and a half acres of non-irrigated or irrigated land and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system;

(f) “partial disability” means such disability which reduces the working capacity of a farmer temporarily of which he was capable of before the occurrence of that accident;

(g) “permanent disability” means any disability which fully incapacitates a farmer for all agricultural and other works of which he was capable of prior to the occurrence of that accident;

(h) “prescribed” means prescribed by rules made under this Act; and

(i) “small farmer” means any person who owns agricultural land not exceeding five acres of non-irrigated or irrigated land and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system.

Central Government to formulate a welfare policy for the small and marginal farmers.

3. The Central Government shall, as soon as may be but not later than one year from the commencement of this Act, formulate, in consultation with the State Governments, a comprehensive welfare policy for the small and marginal farmers and implement it in such manner as may be prescribed.

Constitution of Small and Marginal Farmers’ Welfare Fund.

4. (1) The Central Government shall, for the purpose of this Act, constitute a Fund to be known as the Small and Marginal Farmers’ Welfare Fund.

(2) The initial corpus of the Fund shall be rupees five hundred crore of which rupees two hundred and fifty crore shall be provided by the Central Government, after due appropriation made by Parliament by law in this behalf, and rupees two hundred and fifty crore shall be provided by the State Governments in such manner as may be prescribed.

(3) The Central Government and the State Governments shall contribute every year to the Fund in such ratio as may be prescribed.

(4) There shall also be credited to the Fund any grants or donation that may be made by any person or institution.

(5) The Fund shall be administered by the Central Government in such manner as may be prescribed.

(6) The Central Government may constitute such Regional Funds as it may consider necessary for the efficient administration of this Act.

(7) Every compensation payable under this Act shall be paid out of the Fund in such manner as may be prescribed.

5. (1) If any injury is caused to a small or marginal farmer due to an accident during the course of agricultural operation, such farmer shall be entitled to and receive compensation out of the Fund. Compensation in case of accident.

(2) The amount of compensation payable under sub-section (1), for injury resulting in total or partial disability, shall be such as may be specified by the Central Government from time to time, by notification in the Official Gazette, Subject to its being not less than fifty thousand rupees in case of partial disability and one lakh rupees in case of permanent disability or death.

(3) The compensation payable under this Act in case of death shall be paid to the spouse of deceased farmer or to the children or to his legal heir:

Provided that in case the deceased was unmarried, the compensation shall be paid to his parents.

6. Every person who is eligible to seek compensation under this Act shall apply to the Commissioner in form giving such details as may be prescribed therein: Procedure for claiming of compensation.

Provided that the application form shall be in the regional language and in case the applicant is illiterate, the Commissioner shall cause the form of the applicant duly filled in.

7. (1) The Central Government shall, by notification in the Official Gazette, appoint such number of Commissioners as it deems necessary to entertain and dispose of the applications for claims for payment of compensation. Appointment of Commissioners.

(2) On receipt of an application, the Commissioner shall cause such enquiry into the claim as he may deem fit and if it is found that the death or injury was caused to the farmer because of an accident, he shall decide the amount of compensation to be paid to the claimant and shall record in writing reasons for coming to such a decision: Procedure to be adopted by the Commissioner.

Provided that the Commissioner shall finalise the payment and release the amount within thirty days of filing of an application for claim.

8. Notwithstanding anything contained in any other law for the time being in force, no Civil Court shall have jurisdiction to settle, decide or deal with any decision made by a Commissioner or to enforce any liability incurred under this Act. Bar to jurisdiction of Civil Courts.

9. An appeal shall lie to the High Court concerned if the appeal is made within three months of the decision by the Commissioner. Appeal.

10. The Central Government shall provide such financial assistance to the State Governments as may be necessary, for the purposes of this Act. Central Government to provide financial assistance to State Governments.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act. Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are millions of small and marginal farmers in the country. They are very poor but their contribution towards agriculture sector is second to none. While pursuing agricultural operations, they receive injuries quite often leading to partial or permanent disability and in many cases they also die leaving behind their families. It is a matter of concern that while social security schemes have been extended to organised working classes, the small and marginal farmers remain uncovered by such schemes. As a result, whenever a farmer meets with a serious accident and receives serious injury or succumbs to such injury, he and, in his absence, his family members suffer tremendous hardships. The family of such a farmer is, in fact, ruined. There is no social security net for such farmers. Now the State Government gives compensation of few thousand rupees to the victims but that is very meagre amount.

It is, therefore, necessary in national interest that small and marginal farmers are provided with some sort of social security in form of compensation on the occurrence of accidents during the course of agricultural operations. Hence, it is proposed to constitute a Fund for the welfare of small and marginal farmers.

Hence this Bill.

NEW DELHI;
June 12, 2019.

RAMAPATI RAM TRIPATHI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Small and Marginal Farmers Welfare Fund. Clause 7 provides for the appointment of Commissioners for payment of compensation to farmers. Clause 10 provides that the Central Government shall place necessary funds at the disposal of State Governments for the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that about rupees one thousand crore is likely to be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 77 OF 2019

A Bill to provide for the payment of subsistence allowance to farmers and agricultural labourers in order to provide social security to them and their family members and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Payment of Subsistence Allowance to Farmers and Agricultural Labourers Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agricultural labourer" means any person who works on land belonging to others for wages in cash or kind having a total family income of not more than rupees three thousand per month from all sources;

(b) "applicant" means a farmer or agricultural labourer who has applied for the subsistence allowance;

(c) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(d) "family" means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card;

(e) "farmer" means any person who owns agricultural land not exceeding four hectares and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system having a total family income of not more than rupees five thousand per month from all sources; and

(f) "prescribed" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall pay subsistence allowance at the rate of:—

(a) rupees five thousand per month to every farmer; and

(b) rupees two thousand per month to every agricultural labourer.

Subsistence allowance to the farmers and the agricultural labourers.

4. (1) The appropriate Government shall appoint an officer not below the rank of Sub-Divisional Officer as the nodal officer for the purpose of identification of beneficiaries under the provisions of this Act.

Sub-Divisional Officer to work as the nodal Officer.

(2) The nodal officer shall invite applications in such form, as may be prescribed, for availing of subsistence allowance under the provisions of this Act from amongst farmers and agricultural labourers who are eligible for payment of subsistence allowance under the provisions of this Act and who have been working as farmer.

5. The appropriate Government shall designate an officer not below the rank of Block Development Officer for the purpose of receiving applications from farmers and agricultural labourers for payment of subsistence allowance under this Act.

Block Development Officer to receive applications.

6. Any person who intends to apply for subsistence allowance under this Act shall apply to the Block Development Officer for registration of his name in such form as may be prescribed under sub-section (2) of section 4.

Application for subsistence allowance.

7. (1) The Block Development Officer shall collect all the applications and forward them to the Sub-Divisional Officer.

Block Development Officer to collect and forward the applications.

(2) The Sub-Divisional Officer shall, after holding such inquiry as he may deem necessary, but, in no case later than thirty days from the date of receipt of applications, either admit or reject the application:

Provided that in case no decision is made on an application within thirty days, the applicant shall be deemed to be eligible for payment of subsistence allowance under this Act.

(3) The Sub-Divisional Officer shall record, in writing, the reasons for rejection of an application, if any, under the Act.

(4) Any applicant aggrieved by the decision of the Sub-Divisional Officer may prefer an appeal to the District Magistrate in such form and manner as may be prescribed.

(5) The procedure for disposing off an appeal shall be such as may be prescribed:

Provided that before disposing off an appeal, the applicant shall be given a reasonable opportunity of being heard.

(6) It shall be the duty of the Sub-Divisional Officer to maintain, review and publish a tehsil-wise list of the beneficiaries under the Act once in every six months.

Mode of Payment of subsistence allowance to family members of agricultural labourers or farmers.

8. The mode of payment of subsistence allowance to the farmers and agricultural labourers and their family members, in case of death of a farmer or agricultural labourer, shall be such as may be prescribed by the Central Government.

Every State Government and Union territory Administration to set up a special cell.

9. Every State Government and Union territory Administration shall set up a special cell at the district and the State level for the purposes of monitoring the implementation of the provisions of the Act.

Constitution of Farmers and Agricultural Labourers Welfare Fund.

10. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Farmers and Agricultural Labourers Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by way of donation, contribution or assistance.

(4) The Fund shall be utilized for carrying out the purposes of this Act.

Central Government to provide adequate funds.

11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Penalty.

12. (1) Whoever contravenes the provisions of this Act shall, on conviction, be liable to a fine which may extend to one thousand rupees.

(2) In case the convicted person is an employee of the Central/State Government/ Union territory Administration, the penalty provided under sub-section (1) shall be in addition to the departmental disciplinary action initiated against him.

Act to have overriding effect.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but except as above, the provisions and the rules made under this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Agriculture is a prominent sector of Indian economy. About two-third population of the country is dependent on agriculture for their livelihood. Recent times have witnessed phenomenal growth in other sectors due to heavy public-private investments. Lack of investment in agriculture has resulted in de-accelerated growth and increase in input-cost of agricultural produce. To overcome the resource constraints, agriculturalists fall back upon loans secured at high rates of interests from banks and financial institutions. Failed crops, ineffective pesticides, poor quality of seeds and high debts have led to multiple incidents of suicides by farmers across the country.

A healthy agricultural sector is essential not only for food security of the nation but also to keep inflation and prices of essential commodities under check. An unprofitable and debtridden agricultural sector would not be able to provide for even the basic needs of farmers, agricultural labourers and their dependents. Therefore, there is an urgent need to address the basic needs of the farmers and agricultural labourers.

The Central and State Governments are under constitutional obligation to ensure the survival of the farmers and to provide financial resources for agriculture in order to prevent any further loss of lives.

In view of the above, the farmers and agricultural labourers need the support of the State so that their economic handicap do not come in the way of their survival and social development.

Hence this Bill.

NEW DELHI;
June 12, 2019.

RAMAPATI RAM TRIPATHI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of subsistence allowance to the farmers and the agricultural labourers. Clause 9 provides for setting up of special cells at the District and State level for the purposes of monitoring the implementation of the provisions of the Act. Clause 10 provides for constitution of a Farmers and Agricultural Labourers Welfare Fund. Clause 11 provides that Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten thousand crores per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of rupees one hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only the delegation of legislative power is of a normal character.

BILL NO. 120 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

- | | |
|---|--------------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 2019. | Short title. |
| 2. In article 83 of the Constitution, in clause (2), for the words, "shall continue for five years", the words "shall continue for a minimum period of two and half years and a maximum of five years" shall be substituted. | Amendment of article 83. |
| 3. In article 172 of the Constitution, in clause (1), for the words, "shall continue for five years", the words "shall continue for a minimum period of two and half years and a maximum of five years" shall be substituted. | Amendment of article 172. |
| 4. After article 326 of the Constitution, the following article shall be inserted, namely:— | Insertion of new article 326A. |
| "326A. The Central Government shall, in consultation with the Election Commission, within six months from the date of coming into force of the Constitution (Amendment) Act, 2019, by notification in the official Gazette, determine extending or curtailing the duration of | Two phase elections. |

the term of the State Legislative Assemblies so that the elections are held in two phases and within two and half years with the next elections to the House of the People, in the following manner:—

(a) in the first phase, elections to all the State Legislative Assemblies whose term is likely to end within one or two years of the next General Elections to the House of the People shall be held simultaneously; and

(b) in the second phase elections to all the remaining State Legislative Assemblies shall be held within two and half years after the constitution of the next House of the People."

STATEMENT OF OBJECTS AND REASONS

The Constitution of India has vested in the Election Commission of India the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State. However, frequent elections across the country have placed Indian Polity perennially in an election mode. This hampers long-term policy-making because every decision of the State/Central Government is seen as a reason for seeking votes.

On an average, the country witnesses election to about five to seven State Assemblies every year. Adding to it is the elections to the third tier of Government *i.e.*, Panchayati Raj Institutions and Municipal Bodies in rural and urban areas respectively, bye-elections etc. This has substantially increased the number of elections in any given year. With multiple elections, the model code of conduct is in force for most of the time, which prevents the Government from initiating new projects and ultimately slows down development work. It affects stability and economic development.

Besides the Lok Sabha elections in 2014, elections were held to about fifteen State Assemblies during March 2014- May 2016. In 2014 alone, elections were held in March - May (Lok Sabha, Andhra Pradesh, Telangana, Odisha and Sikkim), September - October (Haryana, Maharashtra) and November - December (Jharkhand and Jammu Kashmir) timeframes. As noticed, the elections to State Assemblies were announced within a month of concluding elections to other State Assemblies. This would not only end up negatively impacting administrative and developmental activities in the poll bound States/regions but also substantially increase the cost of conducting elections to the largest democracy in the world.

In lieu of this, the Standing Committee on Personnel, Public Grievances, Law and Justice submitted its report on the "Feasibility on Holding Simultaneous Elections to House of People (Lok Sabha) and State Legislative Assemblies" in December 2015.

The Committee report suggested that the holding of simultaneous elections to Lok Sabha and State Assemblies would reduce:—

- (1) the massive expenditure that is currently incurred for the conduct of separate elections;
- (2) the policy paralysis that results from the imposition of the Model Code of Conduct during election time;
- (3) impact on delivery of essential services; and
- (4) burden on crucial manpower that is deployed during election time.

The Election Commission is of the view that simultaneous elections to the House of the People and State Assemblies will give enough time for the elected incumbent Government to formulate policies and implement programs continuously for a longer period without any interruptions caused by imposition of model code of conduct. In fact, the Election Commission has favoured holding simultaneous elections to the Lok Sabha and State Assemblies. However, it is for all the political parties to come together on board for holding of such synchronized elections in India.

Accordingly, the Bill proposes that elections be held in two phases. Elections to some Legislative Assemblies could be held along with General Elections to Lok Sabha at the end of the term of Lok Sabha and Elections to remaining Legislative Assemblies be held during the mid-term of Lok Sabha. The synchronization shall be done by the Central Government within six months from the date of coming into force of this Constitution (Amendment) Act, 2019 in consultation with the Election Commission.

Hence this Bill.

BILL NO. 99 OF 2019*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For article 48A of the Constitution, the following article shall be substituted, namely:—

Substitution of
new article for
article 48A.

“48A. (1) The State shall endeavour to protect and improve the environment so as to ensure a pollution-free environment for its citizens and to safeguard the forests and wild life of the country.

Protection
and
improvement
of
environment
and
safeguarding
of forests and
wild life.

(2) The State shall, through such enforcement agencies as it consider necessary, strive hard to ensure that forty per cent. of the total geographical area of the country be covered under forest or tree.”.

3. In article 51A of the Constitution, for clause (g), the following clause shall be substituted, namely:—

Amendment
of article
51A.

“(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures and to actively participate in the State’s endeavour to promote the forest cover of the country to forty per cent. of the total geographical area.”

STATEMENT OF OBJECTS AND REASONS

Forests are key to all forms of life. They provide for the continuity of the world's biodiversity which is necessary for economic development, human livelihood, medical discoveries, and to provide environmental adaptive responses. Forests are also important because they stabilize climate, prevent soil erosion, watershed protection and provides habitat to thousands of life forms. Despite our dependence on forests, we are still allowing them to disappear.

India accounts for about 2.4 per cent. of the total geographical area of the world and is also home to 17 per cent. of the world population. India is one of the richest countries in the world in terms of biodiversity making it one of the Mega-diverse countries accounting for nearly 8 per cent. of the species of the world. It is estimated that nearly $\frac{1}{3}$ rd of Indian plants are endemic, being found nowhere else in the world.

To promote this diversity and economic growth the National Forest Policy, 1952 emphasized on the extension of forest and tree cover by proposing that 33% of the total geographical area should be under forest tree cover. The National Forest Policy, 1988 which was formulated four years before the Earth Summit 1992 embodies the principles of sustainable forest management and mandated an increase in the forest/tree cover in the country to 33 per cent. of the land area. However, according to the India State of Forest Report (ISFR) 2017, the total forest cover is 7, 08, 273 Sq. Km. which is only 21.54 per cent. of the total geographical area of the country. Forest and tree cover combined is 8, 02, 088 Sq. Km. and is 24.39 per cent. of the total geographical area.

The Bill proposes to conserve the natural heritage of the country by preserving the remaining natural forests and at the same time also promote the increase in the forest cover with the vast variety of flora and fauna by ensuring that the State with active participation of the citizens will be able to preserve and promote the remarkable biological diversity and genetic resources of the country. It also enable the country to meet our climate change targets without any binding obligations.

Hence this Bill.

NEW DELHI;
June 12, 2019.

RAJIV PRATAPRUDY

SNEHLATA SHRIVASTAVA,
Secretary General.